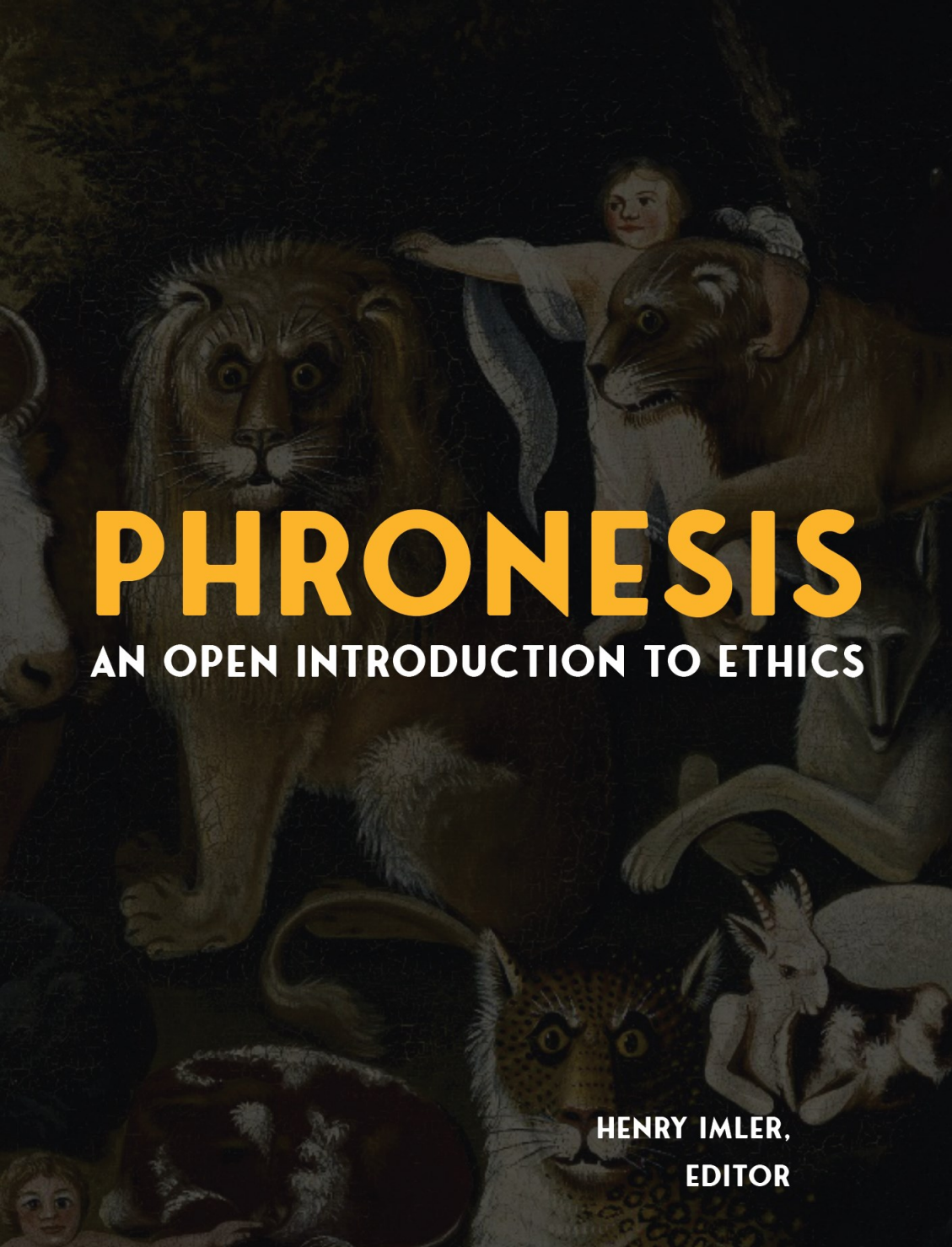




PHRONESIS

AN OPEN INTRODUCTION TO ETHICS

HENRY IMLER,
EDITOR

Phronesis: An Ethics Primer with Readings

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- selected chapters from [Introduction to Ethics](#), edited by Noah Levin
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INTRODUCTION

Information is power. But like all power, there are those who want to keep it for themselves. The world's entire scientific and cultural heritage, published over centuries in books and journals, is increasingly being digitized and locked up by a handful of private corporations. Want to read the papers featuring the most famous results of the sciences? You'll need to send enormous amounts to publishers... .

— Aaron Swartz

Working from the premises that information is not a commodity and that access to it is a human right, we have assembled the following open educational resource. It is built from 2 primary sources: theory chapters from the OER textbook [Ethics for A-Level](#) by Mark Dimmok and Andrew Fisher as well as selected chapters from the OER textbook [Introduction to Ethics](#), edited by Noah Levin. Supplementing these chapters is a selection of topical primary readings.

Part I of the text is a survey of ethical systems, methods of determining the right thing to do and how to reforge ourselves and communities, so that we might be humble, wise, and just. Part II of the text looks at short selections of speeches and readings from a variety of philosophers arguing for particular ethical principles, discussing what makes for a good life, the degree to which we can offload our moral thinking onto the divine, analysis of systems of power, and how to conceptualize and respond to uneven moral and political structures in society. The last part of the text is a series of applied ethical issues, such as reproductive rights, environmental ethics, animal rights, and so on.

The text is designed for use in an introductory course on Ethics in a community college classroom. As the base level, this text is covered by the Creative Commons [Attribution-NonCommercial-ShareAlike 4.0 International](#) license.

This is the second edition of the text. To review planned edits for future versions, see the [project's Trello board](#).

TOOLS FOR STUDY

Below you can find tools which can help you in this class as well as your academic career.

Task	Tool	Notes
Taking notes on webpages	Hypothesis	Is integrated into this book. Click on the < glyph in the upper right of this page to get started.
General Notetaking	Evernote or Onenote	Both are great, though Evernote is better at organizing files and pure text notes. Onenote is great for mixed media notes and handwriting and annotation.
Citation Management	Mendeley Desktop and Zotero	Both of these tools integrate into Word and can drastically reduce the amount of work you put into gathering and using citations for <i>any</i> citation style. Mendeley was purchased by Elsevier, an absolute villain in the commodification and restriction of knowledge for profit. It has more features, such as in-program PDF annotation. Zotero, on the other hand, isn't as easy to use, but when it comes to citations, it is just as robust and is open source.
Privacy – Browser	Brave or Waterfox	Brave is a fork of Chromium (what Chrome is based upon) that is focused upon user privacy. Waterfox is a fork of Firefox with the same emphasis.
Privacy – Extensions	Privacy Badger HTTPS Everywhere Ublock Origin (Chrome , Firefox)	Privacy Badger is a tool put out by the Electronic Frontier Foundation (EFF) that helps you block companies that are tracking your activity online. HTTPS Everywhere forces an encrypted connection to websites whenever possible. Ublock Origin is the best, lightweight, cross browser ad and tracking blocker out there. Be sure to get Ublock Origin, as the project has been forked and other Ublock versions are troublesome.

PART I: THEORY

This part of the book deals with several moral theories, which are attempts to understand, explain, and determine moral actions and what makes for virtuous people.

Below are the major theories we address:

Religious Ethics – The notion that somehow or another the religious dimension of reality is intimately bound up or flows from the divine aspect of reality. We examine two flavors of religious ethics.

- **Divine Command Theory** – This is the notion that the Cosmos was created by the divine and that the divine created the moral laws of the universe just as it created the physical laws that govern reality. The divine can create whatever laws it wants and this can vary from people to people, place to place, and time to time. We creations of the divine have no standing to judge the laws, we are only subject to them. Finally and most importantly, the moral laws are only knowable through divine revelation.
- **Natural Law** – This approach posits that rationality is the governing feature of the Cosmos. As such, morality is discoverable by means of observation and reflection. Religious versions of this, such as Thomas Aquinas or al-Ghazali's approaches, have a God-who-is-rational creating the Cosmos in accordance with reason. We can therefore determine what is moral outside of divine revelation, though we would expect those things to be in harmony with one another. Note that Natural Law need not be religious in nature however. All that is needed is a Cosmos which has a moral dimension and is governed by reason.

Consequentialism – This approach claims that the right-making feature of our actions is not the act itself nor the motivation, only the outcomes of the action. We examine the following approaches.

- **Epicurean Hedonism** – Best articulated through Epicurus, this approach advo-

cates for a life that seeks to fulfill our natural and necessary desires, which will result in a life free of pain and stress of the mind and body. There is also an element of early social contract theory here, as to live a good life you both need to inhibit others from preventing it as well as refraining from inhibiting for in others.

- **Ethical Egoism** – Selfishness is the primary virtue. One should seek out one's own long-term well being. We examine ethical egoism through the works and thought of Ayn Rand.
- **Hedonistic Utilitarianism** – Associated with Jeremy Bentham, this approach seeks to maximize the most overall amount of pleasure in the world with each action. All pleasures and persons are equally weighted in our analysis, once normalized by the hedonistic calculus.
- **Utilitarianism** – Associated with John Stewart Mill, this modification of Bentham's approach claims that maximizing higher-order pleasures

Deontology – Morality consists of our duties in life. These duties must be followed regardless our motivations, intended or unintended consequences, and so on. For Kantian deontology, we can create or discover our moral duties by means of what's known as the categorical imperative.

Virtue Ethics – While the other approaches are concerned with which actions are right and which actions are wrong, virtue ethics places a focus upon the character of the individual. As we humans are rational and social animals, we should aim for embodying *eudaimonia*, or flourishing and contentment, in ourselves and our societies. We do this by identifying and cultivating virtue.

In addition to these theories, there is a chapter on metaethics at the end of this section, written by Jan Franciszek Jacko. It is more technical in style and substance, going into more detail about discussions of the nature of ethics itself.

WHAT IS ETHICS?

Andrew Fisher, David Svolba, Henry Imler, and Mark Dimmock

Welcome to Ethics! This field of study can be thought of in several ways, but for our purposes, we will think of Ethics as the study of applied value.¹ When we *talk* about Ethics, we are generally talking about one of three things:

1. Descriptive Ethics
2. Normative Ethics, or
3. Metaethics.

Descriptive Ethics is describing what and how a person or group thinks about right and wrong. The goal is to *understand* the Other. Here we are not attempting to *evaluate* the Other's positions. We will not be spending much time doing descriptive ethics – we will leave that to the fields of Religious Studies, Sociology, History, et cetera.

Normative Ethics is the process of figuring out what is morally permissible or impermissible by applying a moral theory to a given problem or situation. The goal is to *figure out* what is right and wrong. Another way of saying this is that normative ethics is the *do-ing* of ethics. We will be spending a portion of our time in this course doing normative ethics. You will encounter lots of moral dilemmas, thought experiments, and historical reflections that will challenge you to coherently apply a given (or your own) moral approach to the problem to create solutions.

Metaethics is the process of thinking about Ethics itself.² This is what we will primarily be concerning ourselves with in this class. Some questions we will cover will include the following.

- What is the nature of value? Is it a fiction, created, or discovered?

- What beings are valuable (and to what degree)?
- What is the right or wrong making feature of our actions?
- What determines a valuable life (the good life)?

We will also look at various moral theories that have been posed as methods of determining what is moral and immoral. Major approaches include:

- Natural Law Theory,
- Utilitarianism,
- Deontology, and
- Virtue Ethics.

Our goal here is to understand the nature of Ethics and determine which ethical approaches are worthwhile. We might ask if the approach is coherent (consistent with itself without contradiction), complete (is able to address most ethical questions), pragmatic (is able to be lived out), et cetera. In this class, we will primarily be doing Metaethics.

Methods of Thinking about Ethical Problems³

Throughout this class, we will deal with ethical problems, situations in the abstract or real people's lives in which we must make a moral determination (example of doing normative ethics). We begin with a *hard case*, one which might pull us in different directions.

Baby Theresa. Theresa is born an anencephalic infant, which means that she will never be conscious, though she may live for several months since she has a functioning brain-stem that controls respiration and other life-sustaining processes. Theresa's parents are understandably devastated. After consulting with Theresa's doctors, the parents make a decision: they request that Theresa's healthy organs be removed, thereby killing her, and given to otherwise healthy children who will die if they do not receive an organ. The alternative is to donate Theresa's organs after she dies, but as we wait for nature to take its course children will die who could have been saved, and Theresa's organs will become less viable.⁴

Would it be *ethically wrong* to kill Baby Theresa in order to save the lives of other children?

How would we even begin to answer a question like this?

Some False Starts

Why not seek an answer to the question by...

Consulting the law?

But there may not be a law that covers the hard case, in which case the law will not offer us any guidance. More importantly, however:

Is the law a reliable guide to right and wrong? Let's consider: can we think of actions (real or imagined, current or historical) that are legal but unethical? Can we think of actions that are illegal but ethical? If so – if legality and ethics can diverge – then the law probably isn't a reliable guide to determining the right thing to do.

Conducting an opinion poll?

But others may be as torn as we are concerning what to do, in which case an opinion poll won't offer us any guidance. More importantly, however:

Are opinion polls a reliable guide to right and wrong? Let's consider: can we think of actions that are (or *were*) popularly approved of but unethical? Can we think of ethical actions that are not popularly approved of? If so – if popular opinion and ethics can diverge – then opinion polls will not be a reliable guide to determining the right thing to do.

Going with 'gut feelings,' or the dictates of conscience?

But especially when it comes to hard cases, we may not have clear feelings one way or the other—or, more likely still, our feelings might pull us in opposing directions, leading us to draw different conclusions about right and wrong. More importantly, however:

Are 'gut feelings' (or conscience) a reliable guide to right and wrong? Again, let's apply the same *divergence test* we applied when considering the first two suggestions: can we think of examples in which conscience errs, or a person's gut feelings lead her astray? We might also reasonably wonder about the *source* of gut feelings or dictates of conscience. Why think that these give us glimpses of ethical truth, rather than, for example, merely reflecting on assumptions and biases that we have accumulated through our upbringing and socialization?

Ethical Argument

There is a better approach to ethical hard cases than any of the false starts canvassed above: we can *think* about them. We can consider the *reasons* for and against certain ethical evaluations. We can construct and evaluate *ethical arguments* and see in which direction the weight of reasons tilt.

You might not be accustomed to thinking of ethics as a subject we can reason about. After all, many ethical disagreements seem anything but reasonable: they are often passionately emotional and intractable. But this might simply reflect the fact that we are not prone to reason about ethics *well*. Really, this is not so surprising, since reasoning well about any sub-

ject, and certainly a subject as complex and difficult as ethics, requires considerable experience.

A first step in learning how to reason well about ethical issues is to learn how ethical arguments work. One standard form of ethical argument seeks to derive *particular ethical judgments*—for example, the judgment that it would be wrong to kill Baby Theresa—from *general ethical principles*. A general ethical principle is a statement that says that a certain *kind of action* is ethical or unethical.

Here, for example, is a general ethical principle, which we may call the **Benefits-Without-Harm Principle**, or

BWHP: If an action will benefit people, without harming anyone, then it is ethically right.

BWHP identifies what philosophers call a *sufficient condition* for ethically right action. If an action benefits people without causing any harm, then that's enough – it's sufficient – to make that action ethically right, regardless of other features of the action or the circumstances in which the action is performed.

Suppose we find BWHP intuitively compelling. Does it shed any light on our question about whether killing Baby Theresa would be unethical? It might seem to, for one could appeal to BWHP in making the following ethical argument:

Argument 1 (A1)

- 1) If an action will benefit people, without harming anyone, then it is ethically right.
- 2) Killing Baby Theresa will benefit people, without harming anyone.
- 3) Therefore, killing Baby Theresa is ethically right.

For the moment, never mind whether this argument is convincing. Rather, try to appreciate how this method of arriving at ethical judgments differs significantly from the false starts we considered above.

Evaluating Ethical Arguments

In evaluating a simple ethical argument like A1, there are two basic questions we can ask:

- 1) Is the general principle to which the argument appeals (in this case, BWHP) a plausible one?
- 2) Is the principle correctly applied to the case under consideration?

As for the first question, one common way to assess the plausibility of a general ethical principle is by using what philosophers call the *method of counterexample*. This involves search-

ing for cases (real or imagined) in which the principle gives the intuitively wrong result. Let's illustrate this method by devising a possible counterexample to our sample principle, BWHP:

Benefactor. I am a very wealthy man in a small city with two hospitals. One hospital (Sunnyvale) serves the very rich and is decked out with all the latest and greatest medical equipment and is staffed by the most talented doctors and nurses. The other hospital (City General) serves the rest of the city (a majority of the population) and is badly under-equipped, understaffed, and desperately in need of upgrades and repairs. Despite being aware of the dramatic inequality in the relative state of these two hospitals, I donate several million dollars to Sunnyvale and give nothing to City General. My reason is that I have been a patient at Sunnyvale several times in the past and am grateful for the treatment and care I received there.

Have I acted ethically right? Was giving several million dollars to Sunnyvale the *right thing to do*? BWHP suggests that it was. After all:

Argument 2 (A2)

- 1) If an action will benefit people, without harming anyone, then it is ethically right.
- 2) Donating the money to Sunnyvale benefits people without harming anyone.
- 3) Therefore, donating the money to Sunnyvale is ethically right.

But suppose we disagree with the claim that donating the money to Sunnyvale is the ethically right thing to do. What I should have done, we might argue, is donate the money to the hospital that needed it most—City General—where it could have done significantly more good. In our estimation then, BWHP yields the incorrect verdict in the case of *Benefactor*, and that's a reason to doubt its validity.

Of course, counterexamples in ethics are never *conclusive*, since one always has the option to 'bite the bullet' and take on-board the counterintuitive ethical judgment. For example, a proponent of BWHP could give up the judgment that the money should have been donated to City General (and thereby state that giving it to Sunnyvale was the right thing) instead of giving up on BWHP. In ethics, counterexamples give us a choice: we can modify our principles to fit our ethical judgments, or we can modify our ethical judgments to fit our principles. Unfortunately, there is no algorithm for deciding when to do which. The best we can do is try to use good judgment and be on guard against various forms of bias.

In any case, let's suppose that BWHP passes our tests. Let's suppose we've considered a wide range of cases in which an action benefits people without harming anyone, and without exception we are disposed to judge these actions ethically right. When evaluating arguments like A1, there is still work to be done even if we find acceptable the general ethical principle to which the argument appeals. We need to ask whether the principle actually applies to the

case under consideration. In evaluating A1, for example, we have to ask whether it is true that killing Baby Theresa would benefit people without harming anyone. We may disagree about whether an individual like Baby Theresa is harmed by being killed. In evaluating A2, we might disagree about whether there can be circumstances in which not bestowing a gift constitutes a harm, and, if so, whether these circumstances obtain in *Benefactor*. Complex conceptual and empirical issues like these arise all the time when thinking about right and wrong and form a large part of the workload in philosophical ethics.

Other Important Argument Forms

Thus far we've looked only at ethical arguments in which a particular action is said to conform to a general ethical principle. These arguments have the following *form* or *pattern*:

1. General Principle: Actions of type X are ethically right (or ethically wrong).
2. Particular judgment: This action, *a*, is an X.
3. Conclusion: Thus, *a* is ethically right (or ethically wrong).

As you begin to read more widely in philosophical ethics you will notice that there are many different argument-forms that philosophers commonly employ. Learning these patterns will improve your comprehension of arguments in ethics and your ability to offer compelling support for your own ethical views. Here we will cover two more forms: *arguments from analogy* and *arguments from inference to the best explanation*.

Arguments from Analogy

1. X is ethically right (or ethically wrong).
2. Y is just like X in all ethically relevant respects.
3. Thus, Y is ethically right (or ethically wrong).

Arguments from analogy are very common and can be very powerful. They derive their persuasive force from a basic principle of rational consistency stating that *we should treat like cases alike*.

A great illustration of this argument-form can be found in the philosopher Peter Singer's essay "Famine, Affluence, and Morality." In that essay Singer aims to show that people in an affluent society like ours have an ethical *obligation* to contribute money to charitable organizations working to help the global poor. In supporting this claim, Singer asks us to imagine that we are passing by a shallow pond in which a small child is drowning. Supposing we could save the child at little cost to ourselves, Singer thinks that

1. Nearly everyone would acknowledge that they have in these circumstances an ethical obligation to help the drowning child.

He then argues:

2. There are no ethically relevant differences between the situation of the drowning child and the situation of the global poor.

And so, Singer concludes:

3. We have an ethical obligation to help the global poor.

In evaluating any argument from analogy, Singer's included, the most important (but not the only) question to ask is whether it is true that there are no ethically relevant differences between the cases being compared. After all, if there are ethically relevant differences, these could justify reaching a different conclusion about the two cases (there is no principle stating we must treat *unlike* cases alike). And indeed this is the issue on which Singer and critics of his now classic essay have focused.

Arguments from Inference to the Best Explanation

1. X is ethically right (or ethically wrong).
2. The best explanation for why X is ethically right (or ethically wrong) is captured by a general principle P.
3. Thus, we should accept P.
4. But P implies that Y is ethically right (or ethically wrong).
5. Thus, Y is ethically right (or ethically wrong).

Another common argument-form in ethics, arguments from inference to the best explanation trade on the fact that when we accept an ethical principle we commit ourselves to accepting its implications. A great illustration of this argument-form can be found in Don Marquis' essay, "Why Abortion is Immoral." In that essay Marquis argues as follows:

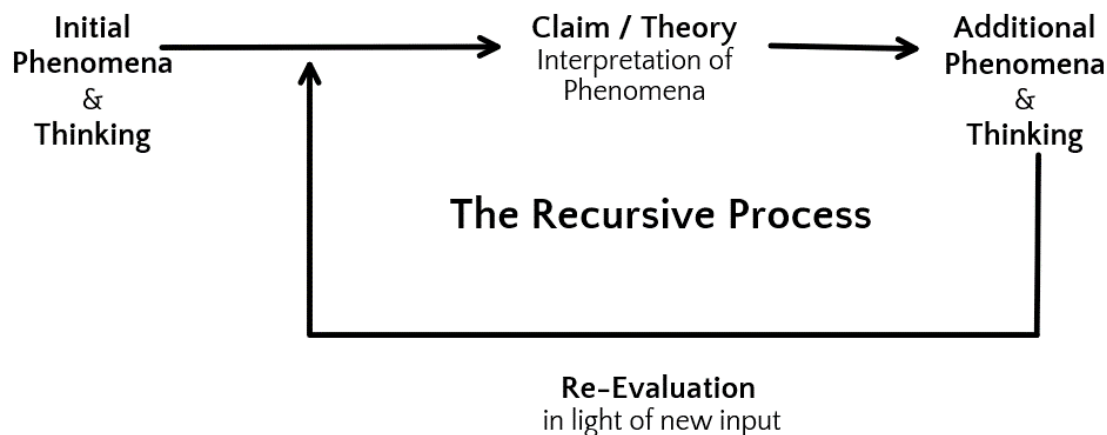
1. It is wrong to kill a normal, adult human being.
2. The best explanation for why it is wrong to kill a normal, adult human being is the Deprivation Principle: it is wrong to deprive an individual of a future-of-value.
3. Thus, we should accept the Deprivation Principle.
4. But the Deprivation Principle implies that abortion is wrong, since abortions deprive individuals (the fetuses) of a future-of-value.
5. Thus, abortion is wrong.

In evaluating arguments from inference to the best explanation, Marquis' included, the most important (but not the only) question to ask is whether the proffered explanation for the initial ethical judgment really is *best*. Perhaps there is an alternative principle that explains the

initial judgment just as well or better, and which doesn't imply what the proffered principle implies. And indeed this is the issue on which Marquis and his critics have focused.

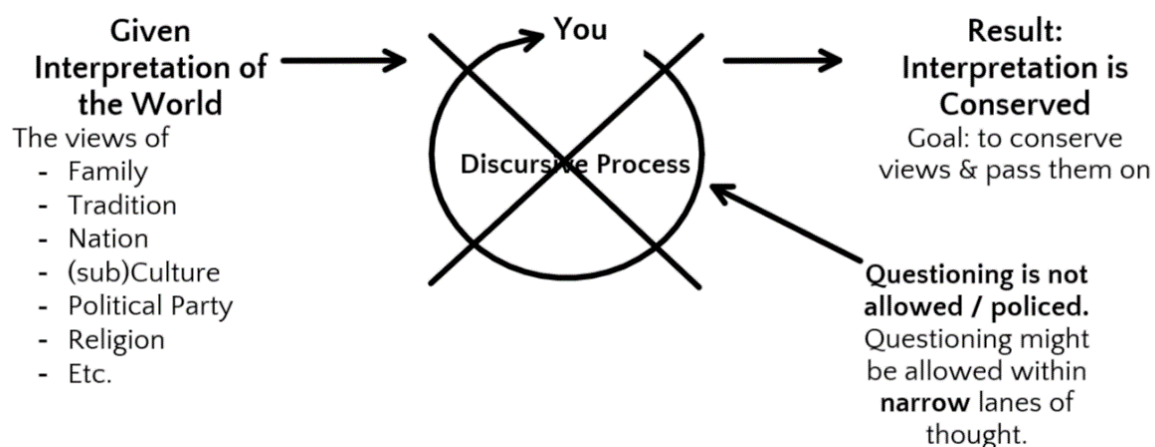
Critical Thinking

By **critical thinking**, we refer to thinking that is recursive in nature. Any time we encounter new information or new ideas, we double back and rethink our prior conclusions on the subject to see if any other conclusions are better suited.⁵



The recursive nature of critical thinking. Every idea, every interpretation — everything — is up for revision.

Critical thinking can be contrasted with **Authoritarian thinking**. This type of thinking seeks to *preserve* the original conclusion. Here, thinking and conclusions are policed, as to question the system is to threaten the system. And threats to the system demand a defensive response. Critical thinking is short-circuited in authoritarian systems so that the conclusions are *conserved* instead of being open for revision.



Authoritarian thinking short circuits the recursive nature of critical thinking.

Humility and vulnerability are key to critical thinking. We might also frame critical thinking in terms of having an open vs. an arrogant mind. The Greek philosopher Plato used two terms that help us name poor thinking. In the dialog *Alcibiades*, Socrates accuses his friend of being both ignorant and foolish.⁶ **Agnoeo (ignorance)** for Plato, is a *simple lack of knowledge* — something which can be fixed with ease. **Amathia (foolishness)**, on the other hand, is a *lack of awareness of one's ignorance*.⁷ The opposite of *amathia* is not knowledge itself, but of an **awareness of one's ignorance**. Socrates, in *The Apology*, concludes his search for wisdom in realizing that he is ignorant.⁸ And so humility and vulnerability are key parts of critical thinking.

Liberation, not Banking — On Attitude and Practice

Ethics is more than just fact-learning, or a “history of ideas”. It is different from chemistry, mathematics, languages, theology etc. It is unique. Sure, it is important to learn some facts, and learn what others believed, but a successful student needs to do *more than simply regurgitate information*. One aim of this book is to aid you in engaging with a living discipline. Ethics is a live and evolving subject. When you study philosophy, you are entering a *dialog* with those that have gone before you and those beside you. Learning about what various philosophers think will enable you to become clearer about what you think and add to that evolving dialog.

Ethics, like much of life, is more **developing an attitude** vs. accumulating facts. Paulo Freire develops the idea of the “Banking Model of Education” where facts, concepts, et cetera are deposited in the student by a learned master.⁹ Such a view considers education to be static and a mere tool in the accumulation of wealth. You may recall politicians on both sides talk about education primarily in terms of job-training. While this is a useful benefit of education, the primary goal of education is to transform an “empty mind into an open one.”¹⁰

Notice *the shift from banking to liberation* in the quote. The term “empty mind” implies the purpose of education is to fill the mind with facts, terms, procedures, and directions. But we are not robots whose function is to merely recall information and process orders! We are something else entirely. Just what will be explored throughout this course. An open mind is a liberated mind. The open mind searches for what is good and what is true for their own sakes, not because it will increase one's bottom line.

Freire contrasts the Banking Model of Education with what can be called a “Liberation Model of Education.” This approach to education places an emphasis upon the humanization of the self and the Other. The goal for the student and the teacher to partner together to solve the problems that face their communities. Sometimes this will involve unmasking the machines that govern our lives but remain hidden from public view. Other times it will involve imagining a more just society or efficient contraption. It might even involve naming and reckoning with current systems of oppression as well as coming to terms with how injustices of the past

echo forward. It always resists demonizing the Other and refuses to turn the tables, allowing the oppressed to become the vengeful oppressors, as is the temptation.

The Liberation Educational model is able to simultaneously realize that in some ways we have been the *beneficiaries* of unjust social contracts, even though we have not been *signatories* to them. A Banking Model of Education is unable to evaluate the systems in which it is embedded because within it, all knowledge is stable and depends upon the legitimacy of the system for its stability. In contrast, in the Liberation Model of Education, we can question the systems themselves, demanding better and more just systems. We will talk about the connection between power, justice, and knowledge elsewhere in the course.

Exercises

Questions for Discussion

1. In your educational history, have you encountered something like the banking or liberation model?
2. If you have experienced both, which did you find more humanizing?
3. What problems face your community? How might you partner others to work on solving those problems?
4. In what ways might you be the beneficiaries of an unjust social contracts even though you are not signatories of the contract?
5. What sort of attitude is required in regurgitating facts vs. doing ethics?

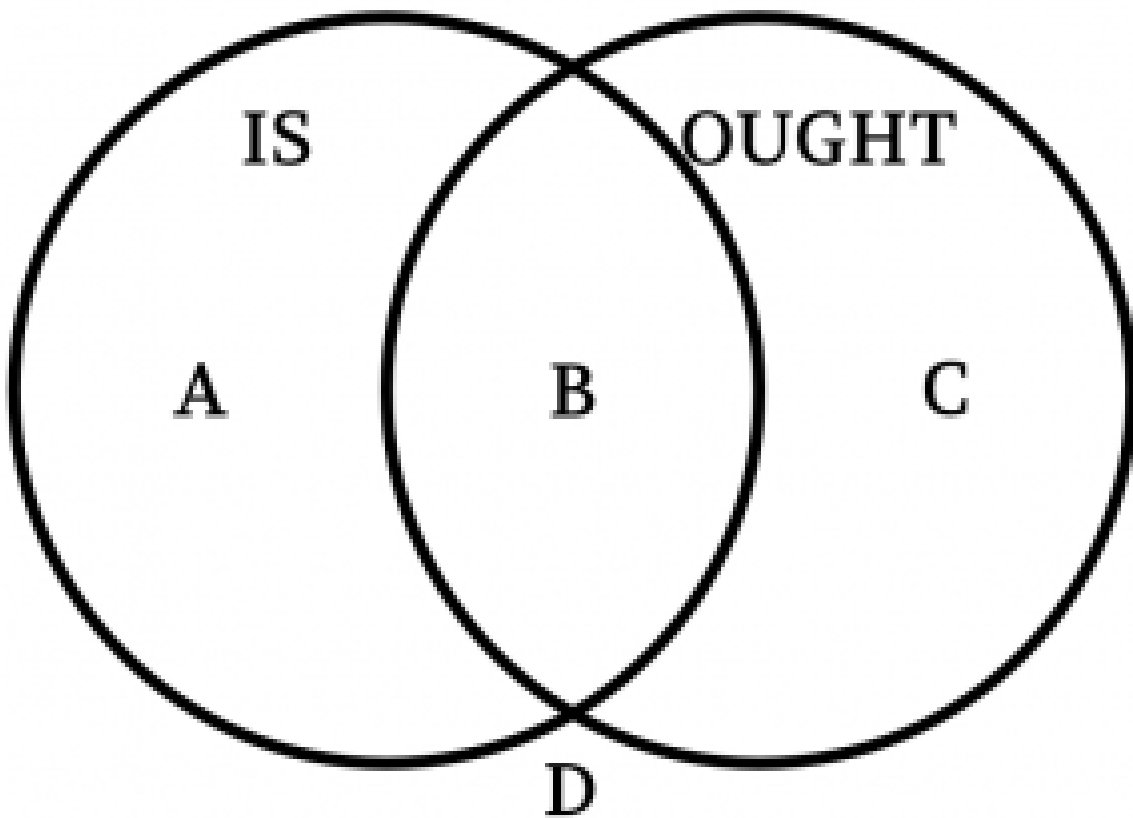
Distinctions

As we embark on our study of ethics, there are some concepts we need to carefully keep separate. It will be easy to fall victim to these flaws in reasoning. The authors have been guilty of these things from time to time! Before we get to these distinctions, let us talk about one distinction we do not make. Some people distinguish between “ethics” and “morality”. We do not. For us, nothing hangs on the difference between them. In this book you will see us switching between the terms, so do not get hung up on this distinction.

Is vs. Ought – Hume's Guillotine

David Hume famously pointed out that we cannot move from an **is** to an **ought**.¹¹ He notes that many systems of ethics do, but that he can find no reason that justifies such a transcendence of categories. While this separation of is and ought by Hume is used to argue in part for his skepticism of prescriptive ethical theories we can use the distinction more broadly

to note that just because someone *is* doing something is not evidence that they *ought* to be doing something. We can illustrate the concept with the following diagram.



The relationship between all that is happening and all that should be happening.

Let's examine these regions:

- **Region A** – What people are doing, but should not be doing (These are the things we need to stop doing.)
- **Region B** – Those actions people should be doing and are doing. (This is the sweet spot.)
- **Region C** – Those hypothetical actions we should be doing, but are not doing. (Where we need to move.)
- **Region D** – Those hypothetical actions we are not doing and should not be doing. (Stay away!)

Consider some examples that concern what people are doing (IS) and what they should be doing (OUGHT). Imagine the headline: “Scientists discover a gene explaining why we want to punch people wearing red trousers”. The article includes lots of science showing the genes and the statistical proof. Yet, none of this will tell us whether acting violently towards peo-

ple wearing red trousers is morally acceptable. The explanation of why people feel and act in certain ways leaves it open as to how people morally ought to act.

Questions for Discussion

What actions would you place within regions A, B, C, and D?

Discuss *why* you all placed those actions within their corresponding reasons.

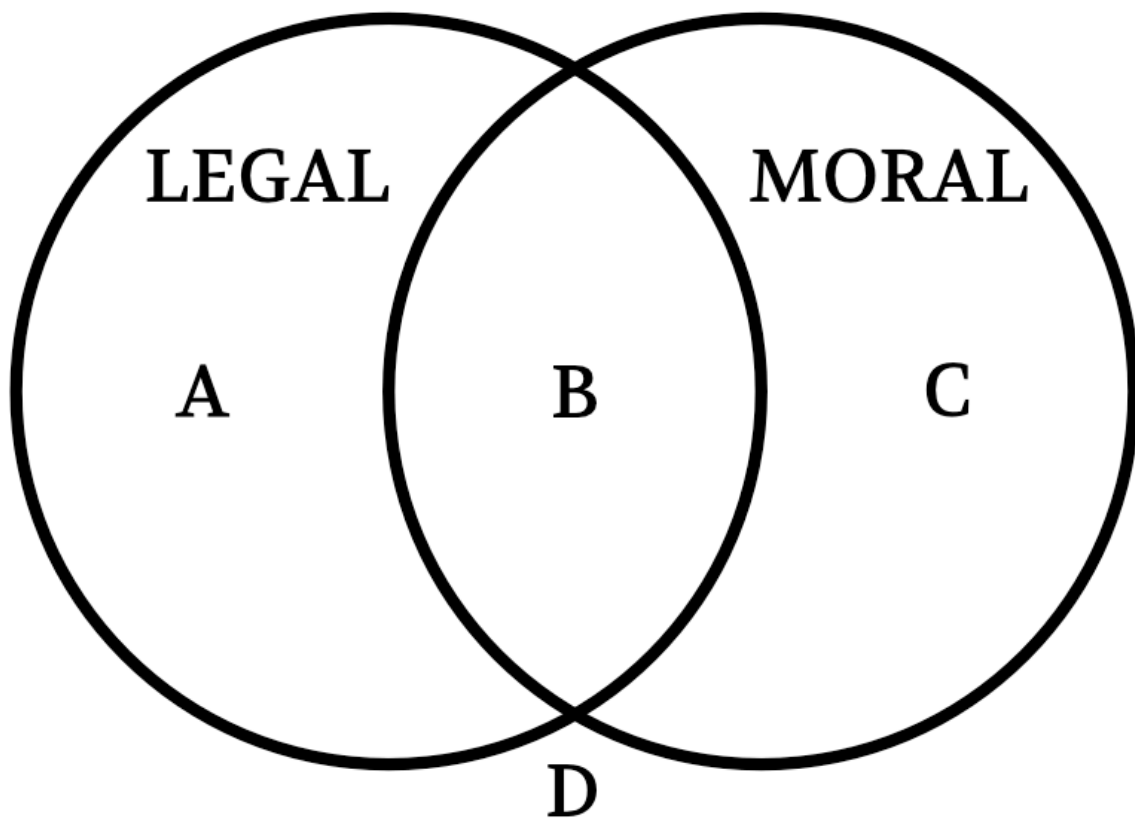
What does your answer to #2 say about your ethical viewpoint?

Consider a more serious example, relating to the ethics of eating meat. Supporters of meat-eating often point to our incisor teeth. This shows that it is natural for us to eat meat, a fact used as a reason for thinking that it is morally acceptable to do so. But this is a bad argument. Just because we have incisors does not tell us how we morally ought to behave. It might explain why we find it easy to eat meat, and it might even explain why we like eating meat. But this is not relevant to the moral question. Don't you believe us? Imagine that dentists discover that our teeth are "designed" to eat other humans alive. What does this tell us about whether it is right or wrong to eat humans alive? Nothing.

Legal vs. Moral

It is easy for people to conflate that which **moral** with that which is **legal**. But, in fact, these are two very different categories, much like is vs ought. We can represent this with the following diagram.

The relation between the sets of actions that are legal (within a given jurisdiction) and the actions that are moral.



The relation between the sets of actions that are legal (within a given jurisdiction) and the actions that are moral.

In the figure above, the categories of actions that are legal overlap with the collection of actions that are moral, but they are not the same set of things. Once again, we have used the letters A, B, C, and D to denote positions in the diagram. Let us look at some possible examples for each of these locations:

- **Region A** – Legal but not Moral – Jim Crow Laws;
- **Region B** – Legal and Moral- Refraining from Killing the Innocent;
- **Region C** – Moral but not Legal – Breaking Jim Crow Laws; and
- **Region D** – Not moral and not Legal – Killing the Innocent.

Using your knowledge of history or your googling devices, look up instances of immoral behaviors that have been legal in their local jurisdictions.

And so, we can see that we need to be careful when talking about issues of legality and morality. Just because something is legal does not make it moral. In fact, most of *the worst atrocities* we humans have inflicted upon ourselves have been *legal* within their jurisdictions. Similarly, we can identify instances of illegal behaviors which are, in fact, moral.

The Issue of Disagreement

Finally, we want to draw your attention to a common bad argument as we want you to be aware of the mistake it leads to. Imagine that a group of friends are arguing about which country has won the most Olympic gold medals. Max says China, Alastair says the US, Dinh says the UK. There is general ignorance and disagreement; but does this mean that there is not an answer to the question of “which country has won the most Olympic gold medals?” No! We cannot move from the fact that people disagree to the conclusion that there is no answer.

Now consider a parallel argument that we hear far too often. Imagine that you and your friends are discussing whether euthanasia is morally acceptable. Some say yes, the others say no. Each of you cite how different cultures have different views on euthanasia. Does this fact — that there is disagreement — mean that there is no answer to the question of whether euthanasia is morally acceptable? Again, the answer is no. That answer did not follow in the Olympic case, and it does not follow in the moral one either.

So just because different cultures have different moral views, this does not show, by itself, that there is no moral truth and no answer to the question. If you are interested in the idea that there is a lack of moral truth in ethics, then Moral Error Theorists defend exactly this position in the chapter on Metaethics.

Summary

In this introduction, we have sketched out some basic ideas necessary to start the study of Ethics. We have examined the basics of critical thinking and discussed 3 methods of talking about ethics: Descriptive Ethics, Normative Ethics, and Metaethics. We also looked at the three major positions on the nature of Ethics itself: Nonrealism, Relativism, and Realism. We have signposted some errors to avoid when it comes to thinking about ethics, and some strategies to consider instead. It may be worth occasionally revisiting the ideas discussed here during your studies, to test your own lines of argument and evaluate how “thinking well” is progressing for you. This would not be a weakness! The authors, and any honest philosopher, can reassure you — philosophy is hard, but it is worth it. We hope you find this textbook useful and rewarding in helping you on your own journey through Ethics.

Questions for Discussion

1. What did you think Ethics and Philosophy were before you came into class? How about now?
2. What are the most pressing ethical problems facing you and your community?

3. Give examples of the is/ought and legal/moral distinctions. When have you or others conflated the them in the past?
4. Given what limited exposure you have had to the concepts, do you agree with the Nonrealist, Relativist, or Realist positions? Explain your reasoning and use an example to showcase your thinking.

Notes and References

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Notes

1. Mark Schroeder, "Value Theory," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Fall 2016 (Metaphysics Research Lab, Stanford University, 2016), <https://plato.stanford.edu/archives/fall2016/entries/value-theory/>.
2. Geoff Sayre-McCord, "Metaethics," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Summer 2014 (Metaphysics Research Lab, Stanford University, 2014), <https://plato.stanford.edu/archives/sum2014/entries/metaethics/>.
3. This section was drawn from David Svolba's chapter on the same topic in *Introduction to Ethics* from NGE Press. His work is licensed under the Creative Commons open culture licence (CC-BY).
4. Drawn from the actual case of Theresa Ann Campo Pearson. For an overview of the ethical issues involved, see <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5606434/>.
5. This discussion of critical thinking is drawn from Professor Barrett's critical thinking model. For more, see Mike Barrett, "Critical Thinking," in *Reading, Thinking, Writing* (LOGOS Project at MACC, 2017).
6. Plato, "Alcibiades," in *Plato in 12 Volumes*, trans. Harold North Flower, vol. 1 (London: Harvard University Press, 1966), sec. 118b, <http://data.perseus.org/citations/urn:cts:greekLit:tlg0059.tlg013.perseus-eng1:118b>.
7. Euripides, in *Bacchae*, invokes the idea of "willful blindness" with this term. See Robert Scott and H.G. Liddell, *An Intermediate Greek-English Lexicon* (Oxford, New York: Oxford University Press, 1945). and Euripides and T.A. Buckley, "Bacchae," in *The Tragedies of Euripides* (London: Henry G. Bohn, 1850), l. 490, <http://data.perseus.org/citations/urn:cts:greekLit:tlg0006.tlg017.perseus-eng1:476-518>.

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META-ETHICS, A PRIMER

Jan Jacko

Metaethics investigates where our ethical principles come from, and what they mean. Are they merely social inventions? Do they involve more than expressions of our individual emotions? Metaethical answers to these questions focus on the issues of universal truths, the will of God, the role of reason in ethical judgments, and the meaning of ethical terms themselves.

– James Fieser¹

Metaethics includes moral theories that contain assumptions which answer some metaphysical and epistemological questions about moral goods and values. The **metaphysical questions** (such as *What are, and how do moral goods and values exist?*) are about the nature and existence of moral goods and values. **Epistemological questions** (such as *Can we know moral goods and values? If so, what are the sources of knowledge about them?*) regard sources of knowledge about moral goods, values and criteria of moral evaluations.

Assumptions of ethical subjectivism, relativism, decisionism, emotivism and intuitionism are exemplary answers to these questions. We call their answers “normative assumptions.”

The Importance of Clarifying Assumptions

There are at least three good reasons to ask and answer such questions. First, without answering them, moral judgments remain ambiguous. For example, if I say, “Action X is wrong,” the judgement has several meanings. To specify its sense, I should clarify my nor-

mative assumptions. For example, I can assume metaphysical subjectivism (anti-realism) or realism in metaethics. According to the former assumption, my above judgment about X is not about reality; it is about my or someone's opinion. In this case, the exact meaning of this judgement is: *someone evaluates X as morally wrong*. If I assume the counter-assumption of metaphysical realism (anti-subjectivism), I mean that it is true that X **has** the property of *moral wrongness*.

Second, these assumptions are conducive to peculiar practices. To specify the practice, which follows from moral judgments, one has to determine some normative assumptions. For example, if I take the assumption of epistemological subjectivism (agnosticism) – I believe that no one can have any knowledge about moral goods and values; I mean that morality is a matter of preferences, which have no ground in knowledge. In practice, it means that one should not search for knowledge about goods and values to validate moral preferences, because such knowledge is not possible. If I believe in epistemological anti-subjectivism (realism), I assume that humans can possess some (precise or approximate, dubitable or indubitable) knowledge about goods and values, I should investigate my moral preferences and accommodate them to my knowledge. In practice of the public sphere, ethical epistemological subjectivists postulate accommodating the public morality and the law to individual or group preferences. Ethical epistemological anti-subjectivists search for knowledge about moral principles and attempt to adopt public morality and the law to the principles.

Third, the ambiguity of moral judgments is conducive to misunderstandings and violent conflicts. To avoid them, one should clarify one's normative assumptions. People can disagree about normative assumptions. If the opposing groups do not clarify their normative assumptions, they can struggle against each other without knowing the matter of their disagreement. Mutual misunderstanding limits chances for dialogue, negotiations and consensus. In this case, the conflict turns irrational and violent. When people do not understand each other, their power becomes the decisive argument in their dispute, and their confrontation is the way to test this argument. Therefore, mutual misunderstandings are conducive to violent conflicts. For example, defenders of human rights sometimes fight each other over how to promote human rights, because of different normative assumptions that conceptualise human rights by answering questions such as: *Who is human? Why should one respect human rights?* When the opposing groups do not clarify their answers to these questions, opponents do not understand the position of the other party. If their defenders specify their normative assumptions, their concept of human rights becomes comprehensible to other groups, and their mutual understanding is conducive to dialogue, negotiations and a consensus.

To illustrate the role normative assumptions in communication, we present a conversation between John (J) and Mary (M). John maintains that lying is morally wrong. Mary wants to understand his position. For example:

M: *Why is lying morally wrong?* (Q1)

J: Because when you lie, you disrespect human dignity, which deserves respect.

M: *Can you prove your position? (Q2)*

J: No but you can intuit its truth: you can reach some evidence about it if you activate your intuition.

In the above conversation, John presents assumptions of ethical personalism and intuitionism. According to his personalism, human dignity is the moral good. His intuitionism is the assumption that people can know this good by intuition. In this chapter, we consider possible further questions of Mary and alternative answers of John.

Some regulatory definitions

In this text, “morality” means a system of moral norms and rules, which compose a moral code of conduct (conduct of moral code). In this meaning one can use the term “either descriptively to refer to some codes of conduct put forward by a society or some other group, such as a religion, or accepted by an individual for her own behaviour or normatively to refer to a code of conduct that, given specified conditions, would be put forward by all rational persons”.² In the descriptive sense, “morality” means a **fact** of personal preferences, decisions, actions, evaluations according to some (moral) conventions of preferring, decision-making, acting, evaluating.³ In the normative sense, “morality” means ideal – a pattern for the fact of morality.

We mean the strict sense of the “moral code.” In this sense, it comprises only moral norms and rules. In a broad sense, it also contains “moral principles ... ideals, virtues, goals, aims, and values, and at least ideally integrates all such components into a unified, workable whole, a ‘way of life.’ Order, structure, coordination, and integration, in other words, are important features of a moral code, as is an explanation and justification of both the content and structure of the code.”⁴

We distinguish moral principle(s) from moral norms and rules. By “moral principle” or the “principle of morality” we mean the most precious (intrinsic, autotelic, most appreciated) goods according to a given hierarchy of values. Moral norms and rules operationalise the idea of moral principle. Moral norms are criteria to evaluate acts regarding their compliance with the moral principle(s). Moral rules specify the proper way to respect and promote the moral principle(s). Normative assumptions (of a theory) determine the hierarchy of goods/values and, in this way, specify the normative morality.

We distinguish moral principle from moral value: Moral value consists in respecting the principle of morality by intentions and actions. Intentions that respect it, are morally good (have the value of moral goodness) and actions that respect the principle of morality are morally right (have the value of moral rightness). The opposite of these values are anti-values of

moral badness (of intentions) and moral wrongness (of actions). Consequently, we distinguish

- moral values (Lat. *bonum morale*) from
- moral (honest) goods (lat. *bona honesta*).

Moral values are qualities of human acts. Moral goods are objectives of human acts. Such goods are considered most precious according to a hierarchy of goods adopted by a person. For example, if John assumes that human dignity is the moral good, he maintains that it is at the top of the hierarchy of goods (human dignity is more precious than any other good). According to this assumption, when someone intends respecting human dignity, his/her intention is morally good (it has the moral value of moral goodness); when he/she respects human dignity by his/her actions, they are morally right (they have the moral value of moral rightness). According to the anti-relativist theory of moral goods, they are precious regardless of personal preferences. According to the relativist theory of moral goods, they are precious because someone appreciates them. See, section “*What are the criteria of moral assessment? Normative relativism versus anti-relativism in metaethics*”.

In this text, the term “hierarchy of values” and “hierarchy of goods” means the system of preferences.⁵ We use the terms “value” and “good” interchangeably. However, in some contexts, the “value” means something precious for someone, and the term “good” means something precious regardless of personal preferences.

How do moral goods and values exist?

Metaphysical realism versus anti-realism (subjectivism) in metaethics

In the above conversation, Mary can ask for more information about human dignity. For example, she can ask:

M: *Is human dignity something real? (Q3)*

M: *Do all humans possess their dignity? (Q4)*

John can offer two answers to the 3rd question: the answer of metaphysical realism and anti-realism (subjectivism).⁶ According to supporters of **metaphysical realism** in metaethics, moral goods are real, because they exist autonomously – regardless of any personal preferences:⁷ something is good or not good regardless of personal opinions, decisions, or emotions about it. According to this position, moral goods are **intrinsic** to some beings, situations, or states of affairs.

If John takes this position and maintains his personalism, he means that human dignity is intrinsic to persons and precious regardless of any human acts about it. If he abandons his personalism, he can specify the moral good differently, according to alternative conceptions

of moral good within the theory metaphysical realism in metaethics. For example, he can maintain that love (agapism), happiness (eudaemonism) or pleasure (hedonism) is intrinsically good.

If John abandons metaphysical realism, he takes the position of **metaphysical subjectivism (anti-realism)** and maintains that moral goods are not real, they exist solely by the power of human intentions.⁸ According to this assumption, human acts make something good by intending it, for example, by respecting, aiming at, wanting, or evaluating it. If John takes this position, he should give a negative answer to the 3rd question.

The above standpoints of ethical realism and antirealism do not determine the answer to the 4th question. Ethical realists can assume that all human beings have dignity or that only some humans, who meet some conditions of personhood, have their dignity. Ethical subjectivists may agree with this answer, by showing that only humans who are appreciated by someone have their dignity. However, some ethical anti-realists may assume that all humans deserve respect, because respecting them is a prerequisite for rational intentions, like Immanuel Kant shows in his conception of the categorical imperative.

The two above conceptions lead towards distinct theories of moral value. In their contexts John should offer distinct answers to the question:

M: *Is lying morally wrong or it just seems morally wrong to some people?* (Q5)

The theories of ethical realism and antirealism in metaethics differ in their answer to the above question. Supporters of **metaphysical realism** in metaethics maintain that moral judgments are about “moral facts” and can be true or false in the correspondence sense of truth (Harrison, 1967b, 1967a). They are either “natural (objects that are knowable only through experience), non-natural (but not supernatural) or theological (or supernatural)” (Campbell, 2015) This position can also have a name “ethical objectivism” (Harrison, 1967a). The position implies that there are some sources of knowledge about moral values. According to this position, John may say, that it is **true** that lying is wrong.

Ethical metaphysical subjectivists (anti-realists) claim that moral values are purely intentional predicates with no existential autonomy; they exist by the “power” of human acts (beliefs, feelings, decisions, attitudes or preferences). As Jonathan Harrison puts it, according to ethical subjectivist theories, “... moral predicates are not possessed by actions or actors in the absence of people who pass judgments upon them or who respond to them with such feelings as admiration, love, approval, detestation, hate, or disapproval”.⁹ According to this approach, human acts “create” moral values. We put the term “create” in quotation because it does mean creating something real. It means creating purely intentional objects. In this context goods or values are purely intentional objects, which exist by the “power” of the intention. According to this position, moral judgements are not about any reality; they are about human evaluations or reactions. As Harrison writes,

A subjectivist ethical theory is a theory according to which moral judgments about men or their actions are judgments about the way people react to these men and actions — that is, the way they think or feel about them¹⁰

If John takes the position of metaphysical antirealism, he should not say that it is true that lying is wrong. He should rather say that *some people believe that it is morally wrong*. In this case, Mary should ask him:

M: *What human acts can make something good or bad, right or wrong? (Q6)*

There are two anti-realist answers to this question: If John takes the position of metaphysical **decisionism** in metaethics, he believes that human decisions can “create” moral goods and values. If John assumes metaphysical **emotivism** in metaethics, he believes that human emotions bring values into existence. However, he should also be clear about whose decisions or feelings can create moral values. For Mary can ask:

M: *Whose acts can make something morally good or valuable? (Q7)*

John can make some optional assumptions to answer her questions. For example, **individual metaphysical subjectivists** in metaethics maintain that each agent “creates” his/her goods and values. For example, Jean-Paul Sartre presents this position. In his opinion, each decides his/her hierarchy of goods by his/her decisions, which are existential commitments.

Theories of **group subjectivism** present the assumption that a group of people “creates” values, by implicit or explicit consensus about them. In this case, John should convince Mary that there is a consensus of our society to respect property rights and she should respect the consensus.

According to the assumption of **universal subjectivism** respecting moral values is the pre-conditions for rational actions. For example, Immanuel Kant presents a peculiar combination of metaphysical antirealism and universalism in metaethics.¹¹

Therefore, to answer the Question 1 in the context of metaphysical subjectivism in metaethics, John can say that:

J: *You should not lie, because lying is not compatible with your existential commitment (individual metaphysical subjectivism).* (In this case, Mary can agree or say that she has no existential commitment to respecting human dignity and she sees no incompatibility between lying and respecting persons at least in some situations.)

M: *Why should I respect persons, if it is not my existential commitment? Why should not I lie, when the truth is more harmful to a person than a lie? (Q8)*

J: *You should respect the consensus of our society, which requires you not to lie (group metaphysical subjectivism).* (Mary can see no reasons to respect the consensus of her group.)

M: *Why should I respect the consensus of my group? (Q9)*

J: *Truthfulness is the prerequisite for rational intentions. You should be rational, therefore, you should not lie (universal metaphysical subjectivism).* (Mary may see no reason to believe that lying contradicts rational decisions.)

M: *Why is truthfulness the condition for rational decisions? (Q10)*

To answer these questions of Mary, John can offer a couple of assumptions concerning sources of moral knowledge and criteria of moral assessments. We discuss his possible answers in the two following sections.

If and how can we get knowledge about moral goods and values?

Sources of moral knowledge. Epistemological realism versus subjectivism (anti-realism) in metaethics

If John takes the position of metaphysical realism in metaethics, he can offer several answers to Question 9 by indicating natural or supernatural sources of moral knowledge. The natural source of knowledge can be the reason (the position of epistemological rationalism) or emotions (the position of epistemological emotivism). For example, Plato, Aristotle, and Immanuel Kant maintain that human reason can allow us to know moral goods and values. According to Max Scheler, emotions mediate human knowledge about moral goods values. Supernatural knowledge is the effect of illumination or revelation. For example, St. Augustine maintains that moral knowledge is the gift of God – the effect of His illumination (Stump & Kretzmann, 2001).

Ethical intuitionism presents a peculiar answer to the Question 9: “One of the most distinctive features of Ethical intuitionism is its epistemology. All of the classic intuitionists maintained that basic moral propositions are self-evident—that is, evident in and of themselves—and so can be known without the need of any argument.” (Stratton-Lake, 2016)

The above answers present the position of **epistemological realism** in metaethics. According to this standpoint, humans can get knowledge about moral goods and values. The opposite assumption is **epistemological subjectivism (antirealism)** in metaethics. According to this standpoint, a human cannot know moral goods and values. They can only maintain opinions or beliefs about them.

If John takes the position of epistemological subjectivism, he can specify it according to his answers and Mary can repeat questions 8-10 endlessly. The position of epistemological sub-

jectivism is conducive to faulty circular reasoning of (Lat.) *circulus vitiosus* or (Lat.) *regressus at infinitum*. To continue the discussion the interlocutors should agree on some criteria of moral assessment. To do it, they should decide if they take the position of normative anti-relativism or relativism in metaethics.

What are the criteria of moral assessment?

Normative relativism versus anti-relativism in metaethics

The assumption of metaphysical anti-relativism (absolutism) is opposite to metaphysical relativism. These assumptions are about relations between the human mind and moral goods (values) and can have different meanings depending on the relationships they indicate. In this chapter, we consider only normative anti-relativism and relativism, which are assumptions about the validity of moral norms.¹²

Normative anti-relativists maintain that the validity or truth of moral judgments does not depend on any opinions, decisions or feelings. To specify this position, John can indicate some sources of moral knowledge according to some assumptions of ethical epistemological realism.

According to the assumption of normative anti-relativism in metaethics, some moral norms are valid regardless of personal preferences. According to the premise of normative relativism, moral norms and assessments are valid because someone maintains them. **Normative relativists** believe that human acts (decisions or emotions) specify the criteria of moral assessments:

Moral relativism is the view that moral judgments are true or false only relative to some particular standpoint (for instance, that of a culture or a historical period) and that no standpoint is uniquely privileged over all others.¹³

Consequently, an ethical relativist denies that there is any one correct moral evaluation and he/she holds that there is no rational way of justifying one moral evaluation against another.¹⁴ This standpoint implies that conflicting moral judgments may be equally and simultaneously valid (true, right, sound).¹⁵

To justify ethical relativism, its proponents point to the fundamental disagreement between people about criteria of moral assessments. Relativists explain this disagreement by assuming that “moral claims contain an essential indexical element, such that the truth of any such claim requires relativisation to some individual or group”.¹⁶

Metaphysical relativism in metaethics can be more or less radical regarding applicability of moral norms. The position can account to ethical particularism or generalism in metaethics:

Ethical relativists can take the position of either ethical particularism or generalism:

Moral particularism at its most trenchant, is the claim that there are no defensible moral principles, that moral thought does not consist in the application of moral principles to cases, and that the morally perfect person should not be conceived as the person of principle ...

Ethical generalism is the view that the rationality of moral thought and judgement depends on a suitable provision of moral principles.¹⁷

Therefore, if John maintains the position of particularism, he does not mean that lying is wrong in all possible situations. He should try to convince Mary that lying is wrong in a particular situation. For example, he can take the position of act utilitarianism to show that lying is wrong when it has bad consequences. If he takes the position of generalism he will try to convince her not to do it in all situations. For example, he can take the position of rule utilitarianism to convince Mary, that the norm of truthfulness is more socially useful than the rule of lying. However, he needs to present some evidence for this argument. To do this, he has to make use of some sources of moral knowledge, which implies the position of epistemological realism in metaethics.

According to ethical relativists, human acts (like emotions or decisions) specify criteria of moral assessment. Theories of ethical relativism differ regarding the question *Whose and what acts specify criteria of moral evaluation?* For example, Władysław Tatarkiewicz notes that ethical relativist theories differ in their claims concerning whose opinions, decisions or feelings count for the validity of moral criteria.¹⁸ According to **individual ethical relativism** “If someone thinks it is right (wrong) to do A, then it is right (wrong) for him to do A.”¹⁹ **Group (sociological) ethical relativism** is “a metaethical thesis that the truth or justification of moral judgments is not absolute, but relative to some group of persons”.²⁰ It implies that:

If the moral principles recognized in the society of which X is a member imply that it is wrong to do A in certain circumstances C then it is wrong for X to do A in C. This principle says, in effect, that a person ought to act in conformity with the moral standards of his group.²¹

Universal ethical relativists assume that some moral principles and norms outline necessary (*a priori*) relations that occur between a person and her acts; these relations imply some intersubjective criteria of moral assessment. For example, Kant shows that the categorical imperative outlines the universal (*a priori*) prerequisites for rational decisions.²²

Relativistic theories differ in their answer to the question *What kind of human acts specify criteria of moral assessment?* **Emotivist relativists** believe that emotions do it. **Decisionist relativists** maintain that human decisions specify criteria for moral evaluations.

Discussion

1. What are the differences between moral realism and anti-realism? How do they approach normative ethics differently?
2. What is the difference between moral relativism and moral objectivism? How do they approach normative ethics differently?
3. What role should our intuitions play in doing ethics? What is the impact of your view for how we should structure our societal laws?

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Notes

1. "Ethics," by James Fieser, *The Internet Encyclopedia of Philosophy*, ISSN 2161-0002, <https://www.iep.utm.edu/ethics/>, June 7, 2019.
2. Gert, 2012
3. Wreen, 2018, pp. 351–353
4. Wreen, 2018, pp. 345–246
5. Hansson & Grüne-Yanoff, 2018
6. Harrison, 1967b; Kim, 2006; Sayre-McCord, 2011

7. We use the terms “existential autonomy,” “existential heteronomy” and “purely intentional objects” in their sense as defined by Roman Ingarden (Ingarden, 1983, 1989).
8. In this text, terms “intention” and “intentionality” denote the relation between human acts and their intentional objects (Brentano, 1973; Husserl, 2001; Jacob, 2010). (Brentano, 1973; Husserl, 2001; Jacob, 2010)
9. Harrison, 1967b, p. 78
10. Harrison, 1967b, p. 78
11. Harrison, 1967b, p. 87; Tatarkiewicz, 1919, p. 22
12. We do not consider metaphysical theories (which can get the name of relativism) that show how goods or values exist in relation to human acts. We focus on the normative version of anti-relativism and relativism.
13. Westacott, 2012
14. Brandt, 1967, p. 75
15. Beauchamp, 2009; Brandt, 1967, p. 67; Campbell, 2015
16. Joyce, 2015
17. Dancy, 2013
18. Tatarkiewicz, 1919, p. 22
19. Brandt, 1967, p. 76
20. Gowans, 2012
21. Brandt, 1967, p. 76
22. Gowans, 2012; Hill, 2007; Tatarkiewicz, 1919, p. 22; Westacott, 2012

UTILITARIANISM

Andrew Fisher, Mark Dimmock, and Henry Imler

Pleasure is the beginning and the end of the happy life: because we recognize pleasure as the first good and connate with us and to this we have recourse as to a canon, judging every good by the reaction.

[...]

Therefore every pleasure is good because it is of one nature with us but every pleasure is not to be chosen; by the same reasoning every pain is an evil but every pain is not such as to be avoided at all times.

– Epicurus from *Letter to Menoeceus*

Some things appear to be straightforwardly good for people. Winning the lottery, marrying your true love or securing a desired set of qualifications all seem to be examples of events that improve a person's life. As a normative ethical theory, Utilitarianism suggests that we can decide what is morally right or morally wrong by weighing up which of our future possible actions promotes such goodness in our lives and the lives of people more generally.

Consequentialism(s)

Consequentialism is the notion that it is the *outcomes* of our actions that matter the most in moral analysis, not the action themselves nor our motivations.¹ When we start to do this sort of analysis, we must ask ourselves two questions:

1. What is **the good** we are trying to maximize?
2. For **whom** are we trying to maximize the good?

There are multiple ways we can answer those questions. For instance, we might say that the good is “any and all pleasures” or “only long-term rational well being”. You can imagine how different the moral analysis would be depending upon the definition of the good. Let’s imagine you receive a fifty-dollar bill for your birthday and want to go out for a nice steak dinner. If we hold all pleasures to be equal, we could form a strong argument for going to that steak dinner instead of putting it towards a class you need to graduate, earning a degree which will develop your character, widen your awareness of the world, and better prepare you to navigate our society successfully. However, if we use long-term rational well-being as the good we are trying to maximize, we would choose to value paying for college and attending sometimes difficult classes instead of the more immediate pleasure of the steak dinner.

Likewise, there are various ways we could answer the “for whom?” question. Perhaps we should only maximize happiness for ourselves only, or maybe we maximize the good of all humans. Perhaps we expand the maximization of the good for all beings who can experience pleasure and suffering. This would widen our pool to include at least some of the animals. See the chapter on [Animal Rights](#) by Eduardo Salazar. Each of these possible answers to the “for whom” question will dramatically change our moral analysis. Take the notion of preparing a steak dinner. If we only take into moral account ourselves, we should eat the steak, tip our server zero dollars. If we expand the morally relevant community to include all humans, we should eat the steak and tip our server generously. If we include animals in the moral analysis, we would not eat the steak and tip our server generously.

We’ve mentioned **maximization** in our discussion so far. Some, but not all, versions of consequentialism² hold that it is not good enough to merely have a net positive of pleasure through our actions, but rather we must choose the action that will bring about the *greatest amount of overall pleasure*. This gives us guidance in a situation with no good options, like the trolley case where we have to choose between allowing 5 innocents to die on a runaway trolley or saving the 5, but killing 1 innocent bystander in the process.

When we put various combinations of the above together, we get distinct, but similar versions of consequentialism.

Approach	Philosopher	The Good	For Whom	Primary Relation
Capitalist Mode of Production	Freidrich Hayek	Profit	Shareholders	Competition
Epicureanism	Epicurus	Simple pleasures & avoidance of anxiety	Self first, then others	Self-Sufficiency and then Cooperation
Ethical Egoism	Ayn Rand	Long-term well being	Self	Competition
Hedonistic Utilitarianism	Jeremy Bentham	All that a person considers to be pleasurable	All that can suffer ³	Cooperation
Utilitarianism	John Stewart Mill	Higher-order pleasures of the mind	Everyone	Cooperation

Hedonism, the Case for Pleasure as a Good

Hedonism is a theory of well-being — a theory of how well a life is going for the person living that life.⁴ What separates Hedonism from other theories of well-being is that the hedonist believes that what defines a successful life is directly related to the amount of pleasure in that life; no other factors are relevant at all. Therefore, the more pleasure that a person experiences in their life then the better their life goes, and vice versa. Whereas other theories might focus on fulfilling desires people have, or an objective list of things such as friendship and health.

The roots of Hedonism can be traced back at least as far as **Epicurus** (341–270 BC) and Ancient Greece. Epicurus held the hedonistic view that the primary intrinsic good for a person is pleasure; meaning that pleasure is always good for a person in and of itself, irrespective of the cause or context of the pleasure. According to this theory pleasure is always intrinsically good for a person and less pleasure is always intrinsically bad. Not all things we might think of as pleasure count as true pleasure for Epicurus. Check out the reading “[Letter to Menoeceus](#)” in [Part II: Readings in Ethics](#) for a more complete discussion of Epicurus’ notions of pleasure.

Hedonism is a relatively simple theory of what makes your life better. If you feel that your life would be better if you won the lottery, married your true love or achieved your desired qualifications, then the hedonistic explanation of these judgments is that these things are good for you only if they provide you with pleasure.

Many pleasures may be physical, but **Fred Feldman** (1941–) is a defender of a theory known as **Attitudinal Hedonism**. According to this theory, psychological pleasures can themselves count as intrinsically good for a person. So, while reading a book would not seem to produce pleasure in a physical way, a hedonist may value the psychological pleasure associated with that act of reading and thus accept that it can improve a person’s well-being. This understanding of hedonistic pleasure may help to explain why, for example, one person can gain

so much pleasure from a Lady Gaga album while another gains nothing at all; the psychological responses to the music differ.

Nozick's Experience Machine, a criticism of hedonism

One important problem for Hedonism is that our well-being seems to be affected by more than just the total pleasure in our lives. It may be the case that you enjoy gaining a new qualification, but there seems to be more to the value of this event than merely the pleasure produced. Many people agree that success in gaining a meaningful qualification improves your life even if no pleasure is obtained from it. Certainly, many believe that the relationship between what improves your life and what gives pleasure is not directly proportional, as the hedonist would claim. **Robert Nozick** (1938–2002) attacked the hedonistic idea that pleasure is the only good by testing our intuitions via a now famous thought-experiment. Nozick asks:

Suppose there was an experience machine that would give you any experience you desired.

Super- duper neuropsychologists could stimulate your brain so that you would think and feel you were writing a great novel, or making a friend, or reading an interesting book.

All the time you would be floating in a tank, with electrodes attached to your brain. Should you plug into this machine for life, pre-programming your life experiences? [...]

Of course, while in the tank you won't know that you're there; you'll think that it's all actually happening [...] would you plug in? ⁵

Nozick's challenge to Hedonism is based on the thought that most people who consider this possible situation would opt not to plug in. Indeed, if you ask yourself if you would actually choose to leave behind your real friends, family and life in favor of a pre-programmed existence you also might conclude that plugging into the experience machine would not be desirable.

However, if Hedonism is correct and our well-being is determined entirely by the amount of pleasure that we experience, then Nozick wonders "what else can matter to us, other than how our lives feel from the inside?"⁶ The experience machine guarantees us pleasure yet we find it unappealing compared to a real life where pleasure is far from assured. This may suggest that our well-being is determined by other factors in addition to how much pleasure we secure, perhaps knowledge or friendships.

The hedonists need not give way entirely on this point, of course, as they may feel that the experience machine is desirable just because it guarantees experiences of pleasure. Or, you

might believe that our suspicions about the machine are misplaced. After all, once inside the machine we would not suspect that things were not real. You may feel that the hedonist could bite-the-bullet (accept the apparently awkward conclusion as a non-fatal implication of the theory) and say that any reticence to enter the machine is irrational. Perhaps the lives of those choosing to be plugged in to the machine would go extraordinary well, especially given the level of misery so many people in the world experience on a day-to-day basis. A life of autonomy and pleasure might be preferable — especially if the machines were networked together — to the sort of lives we are able to live today.

The Foundations of Bentham's Hedonistic Utilitarianism

Jeremy Bentham (1748–1832) was the first of the “classical utilitarians”. Driven by a genuine desire for social reform, Bentham wanted to be as much involved in law, politics and economics as abstract philosophizing. Bentham developed his moral theory of Utilitarianism on the foundation of the type of hedonistic thinking described in section two.

**Nature has placed humanity
under the governance of two
sovereign masters, pain and
pleasure.
– Jeremy Bentham**

For Bentham, the only thing that determines the value of a life, or indeed the value of an event or action, is the amount of pleasure contained in that life, or the amount of pleasure produced as a result of that event or action. Bentham is a **hedonistic utilitarian**. This belief in Hedonism, however, was not something that Bentham took to be unjustified or arbitrary; for him Hedonism could be empirically justified by evidence in the world in its favor. According to Bentham:

Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do.⁷

Bentham moves from this empirical claim about the factors that guide our behavior to a normative claim about how we ought to live. He creates a moral theory based on the bringing about of more pleasure and less pain. When first understanding Utilitarianism, it is also crucial to understand what is meant by the term “utility”. Bentham defined it as

“[...] that property in any object, whereby it tends to produce benefit, advantage, pleasure, good, or happiness [...] or [...] to prevent the happening of mischief, pain, evil, or unhappiness”.⁸

Utility is thus promoted when pleasure is promoted and when unhappiness is avoided. Bentham's commitment to Hedonism means for him that goodness is just an increase in plea-

sure, and evil or unhappiness is just an increase in pain or decrease in pleasure. With this understanding of utility in mind, Bentham commits himself to the **Principle of Utility**:

By the principle of utility is meant that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question: or, what is the same thing in other words, to promote or to oppose that happiness.⁹

In effect, this principle simply says that promoting utility, defined in terms of pleasure, is to be approved of and reducing utility is to be disapproved of. The Principle of Utility, backed by a commitment to Hedonism, underpins the central utilitarian claim made by Bentham. Based on a phrase that he wrongly attributed to Joseph Priestley (1733–1804), Bentham suggests that the measure of right and wrong is the extent to which an action produces the greatest good for the greatest number of people. Of course, what counts as good, for Bentham, is pleasure. We can then rephrase what Bentham himself call his fundamental axiom as a requirement to promote the greatest pleasure for the greatest number of people, in order to act morally.

The Structure of Bentham's Utilitarianism

In addition to being hedonistic, Bentham's Utilitarianism is also:

1. Consequentialist/Teleological
2. Relativist
3. Maximizing
4. Impartial

Bentham's Utilitarianism is consequentialist because the moral value of an action or event is determined entirely by the consequences of that event. The theory is also described as teleological for the same reason, based on the Greek word *telos* that means “end” or “purpose”. If more pleasure follows as a consequence of “Action A” rather than “Action B”, then according to the fundamental axiom of Utilitarianism “Action A” should be undertaken and is morally right; choosing “Action B” would be morally wrong. In addition, Bentham's Utilitarianism is Relativistic rather than Absolutist. Absolutist moral views hold that certain actions will always be morally wrong irrespective of context or consequences. For example, many campaigning groups suggest that torture is always morally unacceptable whether it is carried out by vindictive dictators seeking to instill fear in a population or whether it is authorized by democratically elected governments seeking to obtain information in order to stop a terrorist attack. For absolutists then, the act of torture is absolutely wrong in all cases and situations.

Clearly, Bentham cannot hold this type of view because sometimes the pain involved in tor-

ture may lead to the promotion of greater pleasure (or less intense pain) overall, such as in the case where torture stops a terrorist atrocity. On this basis, the Benthamite utilitarian must believe that whether a certain action is right or wrong is always relative to the situation in which the action takes place. Bentham's Utilitarianism is maximizing because it does not merely require that pleasure is promoted, but that the greatest pleasure for the greatest number is secured. This means that some actions that lead to pleasure will still not be morally good acts if another action that could have produced even more pleasure in that setting was rejected. Thus, for example, if you gain some pleasure from spending money on a new book, but that money could have produced more pleasure had it been donated to a local charity for the homeless, then buying a new book would be morally wrong even though it led to some pleasure because it did not maximize the total amount of pleasure that was possible in that circumstance.

Finally, Bentham's Utilitarianism is also impartial in the sense that what matters is simply securing the maximum amount of pleasure for the maximum number of people; the theory does not give special preference regarding which people are supposed to have access to, or share in, that total pleasure. Bentham's utilitarian theory is associated with the idea of equal consideration of interests; as long as total pleasure is maximized then it does not matter if that pleasure is experienced by royalty, presidents, siblings, children, friends or enemies. In the total calculation of pleasure, we are all equal regardless of our status, behavior or any other social factor.

Hedonic Calculus

Hopefully it is now clear that for Bentham the consequences in terms of pleasure production of any action are what determine the morality of that action, and that no other factors are relevant. However, it is not clear how exactly we should go about working out what to do in specific cases. For example:

Killing the Passengers or Allowing the City to be Attacked?

You are a military airman flying a fighter jet that is about to intercept a passenger airliner that seems to have been hijacked by an as yet unknown figure. The plane appears to be on a path that could take it either to an airport or, potentially, directly to a major and highly populated city.

You are tasked with deciding how to act and must, therefore, choose whether or not to fire a missile at the plane.

Firing at the plane would kill the passengers but save all lives on the ground, yet not firing may

save the passengers, or it may give the passengers only a few more minutes before the plane is flown into a city full of innocents and they are killed in any case.

Suggesting that the pilot weigh up the options and choose the action that secures the greatest pleasure for the greatest number is not obviously helpful in making such a difficult decision with so many variables.

Bentham recognized that such **Problems of Calculation** relating to the pleasure associated with future actions needed addressing in order for Utilitarianism to be a workable moral theory. Bentham therefore created the Hedonic Calculus (sometimes known as the Felicific Calculus) in order to help an individual work out how much pleasure would be created by differing possible actions. The **Hedonic Calculus**, as suggested by Bentham, is based on assessing possible pleasures according to their:

1. Intensity
2. Duration
3. Certainty
4. Remoteness (i.e. how far into the future the pleasure is)
5. Fecundity (i.e. how likely it is that pleasure will generate other related pleasures)
6. Purity (i.e. if any pain will be felt alongside that pleasure)
7. Extent (i.e. how many people might be able to share in that pleasure)¹⁰

The Hedonic Calculus is therefore supposed to provide a decision-procedure for a utilitarian who is confused as to how to act in a morally tricky situation. Thus, our fighter-pilot might consider the intensity of the pleasure of surviving versus the duration of the pain of death, while also needing to balance these factors against the relative certainty of the possible pains or pleasures. No doubt, the fighter pilot would still face an agonizing moral choice but it seems that he would at least have some methodology for working out what Utilitarianism morally requires of him.

Problems with Bentham's Utilitarianism

However, whether or not measuring possible actions in terms of “units of pleasure” associated with them is actually plausible is very much an open question and so the problem of calculation is not necessarily solved simply by the existence of the Hedonic Calculus. Some philosophers use the following terms to name discreet units of pain and pleasure:

- **hedon** – one unit of pleasure, and
- **dolor** – one unit of pain.

Consider the most recent highly pleasurable experience that you enjoyed and compare it to a highly pleasurable experience from earlier in your life. It may be that you cannot say confidently that one provided more pleasure than the other, especially if the experiences were extremely varied; perhaps winning a sporting trophy versus going on your first holiday.

Pleasures that are so fundamentally different in nature may simply be incommensurable — they may be incapable of being measured by a common standard such as the Hedonic Calculus. In addition, the problem of calculation can be extended beyond the issues raised above. Remember that Bentham's Utilitarianism is impartial in the sense that all individuals who gain pleasure as a result of a certain action count towards the total amount of pleasure. However, the following case raises the Problem of Relevant Beings:

Problem of Relevant Beings

You are considering whether or not to approve a new housing development on a piece of unoccupied land outside the current boundary of your town.

You are clear that, if approved, the development will create a great deal of pleasure for both new residents and construction workers without any pain being experienced by others.

You are aware, however, that the development will require the culling of several badgers and the removal of a habitat currently supporting many birds, stray cats and rodents of various types.

On the surface, this case should be obvious for the utilitarian without any special problem of calculation; the greatest good for the greatest number would be secured if the development were permitted to go ahead. However, this assumes that non-human animals are not relevant to the calculation of pleasures and pains. Yet, if pleasure is all that matters for how well a life goes then it is not clear why animals, that may be able to experience some form of pleasure and can almost certainly experience pain, should be excluded from the calculation process. Indeed, Bentham, when referring to the moral value of animals, noted that:

The question (for deciding moral relevance) is not 'Can they reason?', nor 'Can they talk?', but 'Can they suffer?'¹¹

If the suffering and pain of humans is relevant to moral calculations then surely it is at least plausible that so should the suffering and pain of non-human animals.

Being a maximizing ethical theory, Utilitarianism is also open to a **Demandingness Objection**. If it is not the case that pleasure needs to be merely promoted but actually maximized at all opportunities, then the standard for acting morally appears to be set extremely high. For example, did you buy a doughnut at some point this year or treat yourself to a magazine?

Live the life of a high-roller and treat yourself to a taxi ride rather than walking to your destination? While your actions certainly brought about differing degrees of pleasure to both yourself and to those who gained economic benefit from your decision, it seems that you could have created much more pleasure by saving up your money and ensuring it reached those suffering extreme financial hardships or residing in poverty around the world. As a result of being a maximizing moral theory, Utilitarianism seems to make immorality very hard to avoid as it is so utterly demanding on our behavior.

A further problem for Utilitarianism relates to the **Tyranny of the Majority**. Remember that as a relativistic moral theory, Utilitarianism does not allow for any moral absolutes — such as the absolute right to democracy, or absolute legal or basic human rights. Indeed, Bentham himself dismissed the idea of “natural rights” as a nonsensical concept masqueraded as a meaningful one. However, if we accept that absolute rights are simply “nonsense upon stilts” as Bentham put it, then Utilitarianism seems to be open to cases where the majority are morally required to exploit the minority for the greater good of maximizing total pleasure. For example, imagine that total pleasure would be maximized if the resources of a small country were forcibly taken from them to be used freely and exploited by the people of a much larger country (this is hardly unrealistic). However, such forceful theft — only justified by the fact that a greater majority of people would gain pleasure — does not seem to be morally justifiable.

Yet, according to Utilitarianism’s commitment to maximizing pleasure, such an action would not only be morally acceptable but it would be morally required. As a consequentialist/teleological moral theory Utilitarianism is also open to the **Problem of Wrong Intentions**. This problem can be highlighted by considering the cases of Dominic and Callum.

Dominic and Callum – Version 1

Dominic is seated in a coffee shop when a masked intruder bursts in threatening to rob the shop.

Dominic, with the intention of saving lives, attempts to stop the intruder but sadly, in the ensuing struggle, the intruder’s gun is accidentally fired and an innocent person is killed.

Now, consider a second case.

Dominic and Callum – Version 2

An intruder bursts in with a gun but Callum, rather than trying to intervene, immediately ducks for cover with the intention of saving himself and leaving the rest of the customers to fend for themselves.

Luckily for Callum, when he ducks for cover he accidentally trips into the would-be thief, knocking him unconscious thus allowing his peaceful detention until police arrive.

According to the utilitarian calculation, Callum acted in a way that maximized pleasure while Dominic acted wrongly because the consequence of his act was tragic pain. However, it seems unfair and wrong to suggest that Callum acted rightly when he had just intended to save himself, although he had a lucky outcome, while Dominic acted wrongly when his intention was to save others but was unlucky in his outcome. Utilitarianism, as a consequentialist theory, ignores intentions and focuses only on consequences.

Utilitarianism also faces the **Problem of Partiality**. This is clear if we consider the familiar moral dilemma of being stuck on a life raft with three other people but with only enough supplies for two people. On the raft with you is a doctor who is confident that he can pass on a cure for cancer if he survives, a world class violinist who brings pleasure to millions each year, and one of your parents or siblings. I am afraid to report that, for the purposes of this example, your parent or sibling is nothing special in comparison to other individuals on the raft. In this circumstance, Utilitarianism would seem to require you not only to give up your own space on the raft but ensure that your parent or sibling joins you in the freezing water with no hope of survival; this is the way of maximizing total pleasure in such a scenario. Yet, even if you believe that the morality might call for your own self-sacrifice, it seems extremely unfair not to allow you to give extra moral weight to the life of a loved one. Unfortunately for the utilitarian, perhaps, the status as a beloved family member should make no special difference to your judgment regarding how to act. This seems to be not only over-demanding but also overly cold and calculating.

Utilitarianism requires **Agent-Neutrality** — you must look at the situation as any neutral observer would and not give special preference to anyone irrespective of your emotional attachments, because each individual must count for one and no more than one.

Finally, Bentham's Utilitarianism also comes under attack from the related **Integrity Objection**, framed most prominently by Bernard Williams (1929– 2003). As an agent-neutral theory, no person can give up impartiality when it comes to judgements about the impact of a potential action upon their family or loved ones. In addition, no person can give up impartiality when it comes to the impact of an action upon their own feelings, character and general sense of integrity. In order to make clear the potential worry associated with this, Williams describes the fictional case of Jim and the Indians.

Jim is an explorer who stumbles upon an Indian leader who is about to execute

twenty people. Jim knows nothing of their possible crimes or any other factors involved, but he is offered a difficult choice by the Indian chief who is eager to impress his foreign traveler. Jim can either shoot one of the prisoners himself and then the rest will be set free as a mark of celebration, or he can refuse the offer in which case all twenty prisoners will be executed as was planned. It is key to note that Jim does not have control of the situation in the sense that he is powerless to bargain or negotiate with anyone, and nor can he use a weapon to successfully free any prisoners. He has only the two options laid out.¹²

The point of this example is not to establish what the right action is. You may find yourself in agreement with utilitarians who suggest Jim must shoot one prisoner in order to save the lives of the rest. Rather, the purpose of the example is to show that Utilitarianism forces us to reach this conclusion too quickly. Given the commitment to Agent-Neutrality, Jim must treat himself as a neutral observer working out which action will produce the greatest good for the greatest number. Morally, he is not entitled to give more weight to his own feelings than he would give to the feelings of any other and therefore it does not matter whether Jim is a pacifist and has been a lifelong advocate for prisoner reform and rehabilitation.

If the utilitarian calculation suggests that he must shoot one of the prisoners, then he must shoot with no regard to any compromising of his integrity and self-identity. You may accept this as an unfortunate consequence of a terrible situation, but it may be a problem for a moral theory if it fails to recognize or respect a person's most sincere and deepest convictions.

Mill's Utilitarian Proof

It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied.

– Mill

John Stuart Mill (1806–1873) was concerned by many of the problems facing the utilitarian theory put forward by Bentham, but as a hedonist he did not wish to see the theory rejected. Mill sought to refine and improve the Benthamite utilitarian theory in order to create a successful version of Hedonistic Utilitarianism.

Mill was so confident about the prospects for a version of Hedonistic Utilitarianism because he believed that there was an empirically backed proof available to support the principle that the greatest happiness/pleasure should always be secured for the greatest number.

Mill's proof, much like Bentham's empirical defense of Hedonism, relies on the evidence from observation that people desire their own happiness. This observation of fact supports Mill's claim that since people desire their own happiness, this is evidence that such happiness is desirable. Mill says "...each person's happiness is a good to that person, and the general happiness, therefore, a good to the aggregate of all persons".¹³

Since our happiness is good for us, and general happiness is just the total of the happiness of all persons, then general happiness is also good. To put it another way, if individual happiness is a good worth pursuing, then happiness in general must be worth pursuing. In order to justify Hedonism, Mill sought to justify the claim that the good of happiness is the only thing that makes our lives go better. Mill defends this claim by suggesting that knowledge, health and freedom etc. (as other plausible goods that might make a life go better) are only valuable in so far as they bring about happiness. Knowledge is desired only because it provides happiness when acquired, not because it, by itself and in isolation, makes life go better.

Mill's proof of Utilitarianism in terms of the general desirability of maximizing total happiness is, however, open to criticism. For one thing, the fact that something is desired does not seem to justify the claim that it is desirable. **G. E. Moore** (1873–1958) points out that Mill moves from the factual sense that something is desirable if it is desired to the normative sense that it should be desired without any justification. It is possible, for example, to desire to kill another person. This is desirable in the sense people could and do desire it (it is possible to do so — it is an action that is desire-able), but not in the sense that we would want them to desire it.

In addition, the idea that other apparent goods, such as knowledge and health, are only valuable in so far as they promote happiness/pleasure is extremely controversial; can you imagine a situation in which you gained value from knowledge without any associated pleasure or happiness? If so, you may have a counter example to Mill's claim.

Possible Counter

Can you imagine a situation in which you gained value from knowledge without any associated pleasure or happiness?

Mill's Qualitative Utilitarianism

In attempting to redraw Bentham's Utilitarianism, Mill's most substantial thought was to move away from Bentham's idea that all that mattered was the quantity of total pleasure. Instead, Mill thought that quality of pleasure was also crucial to deciding what is moral. Bentham's Utilitarianism is quantitative in the sense that all Bentham focuses on is the maximization of hedonically calculated quantities of total pleasure.

Thus, he says that "Prejudice apart, the game of push-pin is of equal value with the arts and sciences of music and poetry".¹⁴ All that matters for Bentham is producing pleasure and the way this is achieved is unimportant. If playing on a console affords you more pleasure than reading Shakespeare, then Bentham would view your life as going better if you play the console. However, Mill introduces a quality criterion for pleasure. Mill says that:

It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. And if the fool, or the pig, is of a dif-

ferent opinion, it is only because they only know their own side of the question.¹⁵

Bentham could not admit that the unhappy Socrates would be living a life with more value than the happier fool. Mill, on the other hand, believes that quality, not merely quantity, of pleasure matters and can therefore defend the claim that Socrates has the better life even by hedonistic standards. According to Mill, higher pleasures are worth more than lower pleasures. Higher pleasures are those pleasures of the intellect brought about via activities like poetry, reading or attending the theater. Lower pleasures are animalistic and base; pleasures associated with drinking beer, having sex or lazing on a sun-lounger.

What we should seek to maximize are the higher quality pleasures even if the total pleasure (hedonically calculated via Bentham's calculus) turns out to be quantitatively lower as a result. Justifying this distinction between higher and lower quality pleasures as non-arbitrary and not just an expression of his own tastes, Mill says that competent judges, those people who have experienced both types of pleasure, are best placed to select which pleasures are higher and lower. Such competent judges, says Mill, would and do favor pleasures of the intellect over the base pleasures of the body.

On this basis, Mill is open to the criticism that many people have both read books and drunk beer and that if given the choice would choose the latter. Whether or not Mill's defense of his supposedly non-prejudiced distinction of higher and lower pleasures is successful is an open question for your evaluation and analysis.

Mill's Rule Utilitarianism versus Bentham's Act Utilitarianism

In addition to a difference in views regarding the importance of the quality of a pleasure, Mill and Bentham are also separated by reference to Act and Rule Utilitarianism and although such terms emerged only after Mill's death, Mill is typically considered a rule utilitarian and Bentham an act utilitarian. An act utilitarian, such as Bentham, focuses only on the consequences of individual actions when making moral judgments. However, this focus on the outcome of individual acts can sometimes lead to odd and objection-raising examples. Judith Jarvis Thomson (1929–) raised the problem of the “transplant surgeon”.

Problem of the “Transplant Surgeon”

Imagine a case where a doctor had five patients requiring new organs to stop their death and one healthy patient undergoing a routine check. In this case, it would seem that total pleasure is best promoted by killing the one healthy patient, harvesting his organs and saving the other five lives; their pleasure outweighs the cost to the formerly healthy patient.¹⁶

While Bentham does suggest that we should have “rules of thumb” against such actions, for typically they will lead to unforeseen painful consequences, in the case as simply described the act utilitarian appears powerless to deny that such a killing is required in order to maximize total pleasure (just add your own details to secure this conclusion for the act utilitarian).

Rule utilitarians, in whose camp we can place Mill, adopt a different moral decision-procedure. Their view is that we should create a set of rules that, if followed, would produce the greatest amount of total happiness. In the transplant case, killing the healthy man would not seem to be part of the best set of utilitarian-justified rules since a rule allowing the killing of healthy patients would not seem to promote total happiness; one outcome, for example, would be that people would very likely stop coming to hospitals for fear for their life! Therefore, if a rule permitting killing was allowed then the maximization of total happiness would not be promoted overall. It is through Rule Utilitarianism that we can make sense of Mill’s **Harm Principle**. According to Mill, there is:

One very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control.

That principle is: The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.¹⁷

Even if a particular act of harming another person might bring about an increase in total pleasure on a single occasion, that act may not be condoned by the set of rules that best promotes total pleasure overall. As such, the action would not be morally permitted.

Strong versus Weak Rule Utilitarianism

Rule utilitarians may seem to avoid troubling cases like the transplant surgeon and be able to support and uphold individual human and legal rights based on rules that reflect the harm principle. This fact would also help rule utilitarians overcome objections based on the treatment of minorities because exploitation of minority groups would, perhaps, fail to be supported by the best utilitarian-justified set of rules. Yet, rule utilitarians face a troubling dilemma:

1. **Strong Rule Utilitarianism:** Guidance from the set of rules that, if followed, would promote the greatest amount of total happiness must always be followed.
2. **Weak Rule Utilitarianism:** Guidance from the set of rules that, if followed, would promote the greatest amount of total happiness can be ignored in circumstances where more happiness would be produced by breaking the rule.

The strong rule utilitarian appears to suffer from what **J. J. C. Smart** (1920–2012) described as **Rule Worship**. No longer focusing on the consequences of the action before them, the strong rule utilitarian appears to ignore the option to maximize total happiness in favor of following a general and non-relative rule regarding how to act. The strong rule utilitarian may be able to avoid problems based on treatment of minorities or a lack of absolute legal and human rights, but it is not clear that they survive these problems holding on to a teleological, relativistic utilitarian theory. Utilitarianism seems to be saved from troubling implications only by denying core features.

On the other hand, while Weak Rule Utilitarianism retains a teleological nature it appears to collapse into Act Utilitarianism. The rules provide guidelines that can be broken, and given that the act utilitarian can also offer “rules of thumb” against actions that tend not to produce maximum goodness or utility in general, such as killing healthy patients, it is not clear where this version of Rule Utilitarianism gains a unique identity. In what cases would Act Utilitarianism and Weak Rule Utilitarianism actually provide different moral guidance? This is something you should consider in the light of your own examples or previous examples in this chapter.

Non-Hedonistic Contemporary Utilitarianism

Peter Singer and Preference Utilitarianism

Utilitarianism is not a dead theory and it did not end with Mill. **Henry Sidgwick** (1838–1900) is considered to have taken over the baton after Mill, and **R. M. Hare** (1919–2002) was perhaps chief advocate in the mid twentieth century. However, few contemporary philosophers can claim as much influence in public life outside philosophy as can the preference utilitarian, **Peter Singer** (1946–). Singer advocates a non-hedonistic version of Utilitarianism. His utilitarian theory is teleological, maximizing, impartial and relativistic but he does not claim that the greatest good for the greatest number can be reduced to pleasure in either raw or higher forms. Instead, Singer believes that what improves a person’s life is entirely determined by the satisfaction of their preferences. If you satisfy your preference to achieve a good qualification your life goes better in virtue of satisfying that preference. If someone else desires to get a job rather than continue in education, their life goes better for them if they secure their preference and gain employment. Individuals, according to Singer, must be at the core of moral thinking:

There would be something incoherent about living a life where the conclusions you came to in ethics did not make any difference to your life. It would make it an academic exercise. The whole point about doing ethics is to think about the way to live. My life has a kind of harmony between my ideas and the way I live. It would be highly discordant if that was not the case.¹⁸

On this basis, when making moral decisions we should consider how best to ensure the max-

imization of total preference satisfaction — it does not matter if our preference satisfaction fails to provide pleasure for us. Continuing to follow Bentham's commitment to impartiality, Singer also supports equal weighing of preferences when deciding which action better promotes greater preference satisfaction; all preferences are to weigh equally.

This potentially leaves Singer open to the same issues that plagued Bentham. Namely, regarding circumstances where partiality seems desirable, or when the preferences of the majority seem to threaten a minority group, or require us to sacrifice our integrity. Further, the problem of calculation also seems to be relevant because it is not obvious how you could work out the preferences of others in at least some difficult moral cases (let alone the preferences of animals, if they are also relevant). In response to a concern regarding the moral relevance of satisfying bloodthirsty or apparently immoral preferences and counting such satisfaction as a moral achievement (consider the preferences of a nation of pedophiles, for example), we might look to the ideas of **Richard Brandt** (1910–1997). Brandt, writing about the rationality of certain preferences, suggested that rational preferences were those that might survive cognitive psychotherapy.¹⁹ However, there is a question as to how arbitrary this requirement is and whether or not some unnerving preferences might form the core of certain individual characters therefore being sustained even after such therapy.

Summary

Utilitarianism remains a living theory and retains hedonistic and non-hedonistic advocates, as well as supporters of both act and rule formulations. The core insight that consequences matter gives the theory some intuitive support even in the light of hypothetical cases that pose serious problems for utilitarians. The extent to which the different versions of Utilitarianism survive their objections is very much up to you as a critically-minded philosopher to decide.

Common Student Mistakes

- Not reflecting the attitudinal aspect of pleasure that Bentham's theory may account for.
- Minimizing the long-term impact of actions when it comes to pleasure/ pain production.
- Imprecise understanding of the hedonic/non-hedonic split in Utilitarianism.
- Imprecision in use of examples to defend/challenge Utilitarianism.
- Suggesting that "Jim and the Indians" is not a counterexample to Utilitarianism simply because you judge killing the fewer number of people is ultimately the morally right thing to do.

Issues To Consider

1. Is there anything that would improve your life that cannot be reduced to either pleasure or preference satisfaction?
2. Would you enter Nozick's experience machine if you knew you would not come out? Would you put someone you care about into the machine while they were asleep, so that they never had to make the decision?
3. Can pleasure be measured? Does Bentham go about this task correctly?
4. Which is the most serious problem facing Bentham's Act Utilitarianism? Can it be overcome?
5. Does Mill successfully improve Bentham's Act Utilitarianism in any way?
6. Are you ever told to stop watching television and do something else? Is this good for you? Why?
7. Look at the quote at the start of the chapter by Dara Ó Briain — is it possible that some pleasures are inferior in value to others?
8. Do you have convictions or beliefs you would not want to sacrifice for the greater good, should you ever be forced to?
9. Why do utilitarians not give up on the idea of maximizing pleasure and just talk in terms of promoting sufficient pleasure? Would this solve or raise problems?
10. Is Weak Rule Utilitarianism merely Act Utilitarianism by another name?
11. Does Strong Rule Utilitarianism deserve to be labelled as a utilitarian theory?
12. If your preferences change after psychotherapy, did the original preferences ever matter?

Key Terminology

- Normative
- Relativistic
- Teleological
- Consequentialist
- Principle of Utility
- Agent-Neutrality

- Hedonic Calculus
- Utility
- Intrinsic

Notes

Notes

1. This selection was written by Henry Immler
2. For more on this, see the section on "[Classical Consequentialism](https://plato.stanford.edu/archives/sum2019/entries/consequentialism/)" on entry on consequentialism in the Stanford Encyclopedia of Philosophy. Sinnott-Armstrong, Walter, "Consequentialism", *The Stanford Encyclopedia of Philosophy* (Summer 2019 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/sum2019/entries/consequentialism/>.
3. While Bentham was primarily concerned with persons only, animal rights philosophers have emphasized the notion of any being that can suffer.
4. This section was primarily written by Dimmock and Fisher.
5. Robert Nozick, *Anarchy, State, and Utopia* (Oxford: Blackwell Publishing, 1974), 42.
6. Nozick, 42.
7. Jeremy Bentham, *The Principles of Morals and Legislation* (Prometheus Books, 1781).
8. Bentham, 66.
9. Bentham, 65.
10. Bentham, 87.
11. Jeremy Bentham, "An Introduction to the Principles of Morals and Legislation," in *Utilitarianism and Other Essays*, ed. Alan Ryan (Harmondsworth, Middlesex, England ; New York, N.Y., U.S.A: Penguin Classics, 1987).
12. J. J. C. Smart: and Bernard Williams, *Utilitarianism, For and Against* (Cambridge: Cambridge University Press, 1973), 98.
13. John Stuart Mill and Jeremy Bentham, *Utilitarianism and Other Essays*, ed. Alan Ryan (Harmondsworth, Middlesex, England ; New York, N.Y., U.S.A: Penguin Classics, 1987), 308.
14. J. Bentham and E. Dumont, *The Rationale of Reward* (R. Heward, 1830), 206, <https://books.google.co.uk/books?id=6igN9srLgg8C>.
15. John Stuart Mill, *Utilitarianism* (London: Parker, Son, and Bourn, West Strand, 1863), 281.
16. Judith Jarvis Thomson, "The Trolley Problem," *The Yale Law Journal* 94, no. 6 (1985): 1396, <https://doi.org/10.2307/796133>.
17. John Stuart Mill, *On Liberty* (New York and Melbourne: The Walter Scott Publishing Co., Ltd, 1863)
18. Kevin Toolis, "The Most Dangerous Man in the World," *the Guardian*, November 6, 1999, <http://www.theguardian.com/lifeandstyle/1999/nov/06/weekend.kevintoolis>.
19. Richard B. Brandt, *Ethical Theory*, vol. 70 (Prentice-Hall, 1959).

RELIGIOUS ETHICAL SYSTEMS

Andrew Fisher, Mark Dimmock, Henry Imler, and Kristin Whaley

Regard your neighbor's gain as your own gain, and your neighbor's loss as your own loss.

– “Moral Injunctions,” in *T'ai Shang Kan Ying P'ien*

They show that what the law requires is written on their hearts, to which their own conscience also bears witness; and their conflicting thoughts will accuse or perhaps excuse them.

– Paul of Tarsus, Letter to the Romans 2:15, NRSV

Religion and Ethics

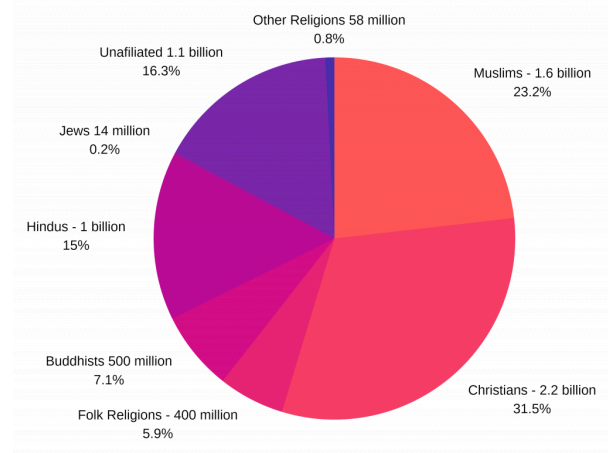
A great many people around the world are religious and look to their religion for moral guidance. See the graphic “[Religions by a Percentage of Population](#)” to get a sense of how many people are religiously affiliated around the globe. If this many people are religious, then it is worth taking a moment to look at how their religion informs their ethics. We can only speak

in the broadest of strokes here. Consider these next few sections as representative artifacts rather than a systematic, thick description.

A Common Ethic?

Religion scholars will sometimes claim that the only thing all the religions have in common are their core ethical principles.¹ To a certain extent, this is true. In all of the major religious traditions, there is the **principle of reciprocity**, the idea that one should treat others as one would like to be treated. We might attribute this to Jesus' golden rule, but Jesus himself was paraphrasing Rabbi Hillel, as he sometimes did.²

But this commonality is not limited to Judaism and Christianity. Below is a table that lists the principle of reciprocity in a variety of sacred texts belonging to various religious traditions.



Religions by Percentage of Population. [footnote]Data taken from the [Pew-Templeton Global Religious Futures report](#) from 2015.[/footnote]

Table: Principle of Reciprocity in the texts of World Religions

Religion	Ethical Rule	Source
Buddhism	Look where you will, there is nothing dearer to man than himself; therefore, as it is the same thing that is dear to you and to others, hurt not others with what pains yourself.	Udana-Varga 5:18
Daoism	Regard your neighbor's gain as your own gain, and your neighbor's loss as your own loss.	"Moral Injunctions," in <i>T'ai Shang Kan Ying P'ien</i>
Hinduism	This is the sum of duty: do not to other what would cause pain if done to you.	Mahabharata 5:1517
Christianity	In everything do to others as you would have them do to you; for this is the law and the prophets.	Matthew 7:12
Islam	Not one of you believes until you wish for others what you wish for yourself.	Hadith 40 of al-Nawawi 13
Judaism	What is hateful to you, do not to your neighbor: that is the whole Torah, while the rest is the commentary thereof; go and learn it.	Hillel, Talmud, Shabbat 31a
Sikhism	No one is my enemy, and no one is a stranger. I get along with everyone.	Guru Granth Sahib, Page 1299
Jainism	Indifferent to worldly objects, a man should wander about treating all creatures in the world so as he himself would be treated.	<i>Sutrakritanga</i> Book 1, Lecture 11, Verse 33

Religions also seem to be united on the subject of human worth and the corresponding duty we have towards others. They describe us as having immense value and our value corresponds to an obligation to look after one another. The answer to Cain's question to God is "Yes, we are our sister and brother's keeper."³ In some religions, humanity reflects the divine. For instance, in Hinduism, at the core of a person is an atman, or a drop of Brahman. In the Western monotheisms, humans are made in the image of God, sometimes called the *imago dei*.⁴ In Buddhism, there are multiple prohibitions of killing persons, from the third *pāṭijika* to the fourteen precepts of the [*Order of Interbeing*](#).⁵ In that order, we see stark imperatives, including

- 11) Do not live with a vocation that is harmful to humans or nature.
- 12) Do not kill. Do not let others kill.⁶

In Islam, the 1990 Cairo Declaration on Human Rights declares that all human beings are loved by God, have equal worth, and that no one is superior to another on the basis of religion or deeds.⁷ In other religions of the world there are also directives to ensure the poor and other vulnerable members of society are taken care of.

Additionally, many religious texts and traditions also see the Earth as something which needs to be tended as a garden. This is most clearly stated in the "Islamic Declaration on Nature":

For the Muslim, humankind's role on earth is that of a Khalifah – vicegerent or trustee of God. We are God's stewards and agents on Earth. We are not masters of this Earth; it does not belong to us to do what we wish. It belongs to God and He has entrusted us with its safekeeping.⁸

And so, in the major religious traditions there is an ethical demand to treat other adherents and all of humanity with dignity, respect, and compassion. We also see humanity as the stewards of the Earth.

So far, so good, right?

Baptizing Violence?

Ethical theories allow for violence in certain situations and religious ethical systems are no different. Within each of the religious traditions above, there are occasions, primarily in the defense of innocents, where violence against another person is allowed, either by individuals or by agents of the state.

Additionally, human history is rife with religiously tinged violence. And so, some claim that because of

- a. the theoretical allowance of violence and

b. the history of violence by religious adherents;

that religion is fundamentally violence-inducing and therefore should be excluded from serious ethical consideration. However, humans are plenty violent outside of religious considerations. Additionally, there is a tendency to *mask* political, ethnic, class, colonial, post-colonial, nationalist, and other strife under the guise of religious pretenses. Today this is seen most starkly in the reciprocal, but dramatically uneven, political violence between the state of Israel and various Palestinian groups. But we can also see this in the violence towards Muslims by Hindu nationalists in India in the name of *Hindutva*.⁹ We also see this in the Buddhist mob violence against Muslims in Sri Lanka¹⁰ and state sanctioned religiously and ethnically coded violence in Buddhist Myanmar.¹¹

Given the human tendency to find self and group worth through the creation of and subsequent negation of the Other, we should not be surprised to find these moral-political moves justified in certain instances of religious logics. For instance, Christian colonial Europe (the Occidental world) constructed (through literature, paintings, colonial records, armchair anthropology, theology, contracts, missionary accounts, ethnography, et cetera) what they called “the Orient,” a great swath of lands and peoples extending from North Africa through the Middle East, onto India, Persia, and finally China. All of the individual cultures, religions, ethnic groups, and so on were flattened into the Great Other and ascribed all of the character and cultural traits Europe wished it did not have. In naming the Orient as evil, hyper-sexual, immoral, deceitful, exotic, Europe was named as good, pious, moral, trustworthy, and so forth.¹² Such moves were not unique to Christian Europe during the colonial era, but this is a representative sample of the process occurring with religious difference as a core component.



Occident (grey) and Orient (black) as constructed and mapped onto the world by European colonialists.

Theo-Political Religious Violence

Direct violence by religious groups can be discussed from at least two perspectives:

1. Theocracy and
2. Agent Apocalypticism.

In both of these perspectives, religious groups morally map the world according to their religious stories and see it as imperative that they either usher in the divine restoration of the world or police the world to maintain the divine order. For these groups, violence is one useful tool among others. State violence in theocratic societies are often fascistic to some degree. They hold that the organic harmonious whole is threatened by impiety or the Religious Other and the social fabric then needs to be policed — violently if need be.

Agent Apocalypticism is almost the inverse of theocratic societies. Here there is a persecuted minority (or a perceived persecuted minority) that sees themselves as agents in the divine plan to radically reorient the world. When apocalyptic groups see themselves as powerless to effect change (as is often the case), they are commonly pacifist in practice. It is God alone who can wield violence for God's own ends. — "Vengeance is mine, says the LORD."¹³ God is justified in using whatever violence is necessary to achieve the radical reorientation of a world fundamentally rebelling from God. *However*, when the apocalyptic group sees themselves as agents of either *instituting* or *triggering* the start of God's cleansing the Cosmos, then nearly any action, violent or nonviolent is justified.¹⁴ A great many of the instances of religiously motivated terrorism is rooted in apocalypticism. We see this in Jihadi-Salafism¹⁵ (vs. quietist Salafism and political Salafism) and Christian Reconstructionist terrorist groups. Perhaps the most dramatic and extended example of this process is found in the leadup to and aftermath of the Münster Rebellion.¹⁶

Religion and Sexual Violence

So far, we have talked about theo-political violence. We also want to look briefly at *sexual violence*. Note that structures we describe as allowing sexual violence to exist and persist are *not innate to religion*. They are true for any insular and opaque group. The paradox is that the more conservative a religious group is on sexual mores, the more likely the group is to have cases of sexual abuse go unchecked. We have seen this in Judaic,¹⁷ Christian,¹⁸ Muslim,¹⁹ and Buddhist²¹ communities. What these communities *seem* to have in common are

- a. hierarchical power relations,
- b. strict sexual mores, and
- c. opaque power structures.

These attributes do not cause sexual abuse, but they create spaces and power disparities that allow abuse to happen and incentivize the hiding of abuse when it does occur.²²

Conclusion: Embodied Religion and Morality

In this brief survey, we've seen that embodied religion and lived morality is a mixed bag. There are, in the lived traditions, beliefs and practices of adherents and the hearts of religious texts, tremendous potential and historical actuality of the concern for and material well being of people and our shared environment. We have also seen that expressions of religious traditions, either in by individuals or groups, logics that allow or demand harm of persons, communities, and our shared environment. The common facts appear to be humanity and our foibles rather than religion itself or any particular religious traditions.

Religion and Ethics – Two Theories

The rest of this chapter explores two approaches to religious ethics. One, represented here by **Divine Command Theory** (DCT), focuses upon the divine as the creator and communicator of morality. The other, **Natural Law Theory** (NLT), places more of an emphasis upon rational investigation into the divine's construction of the universe, including morality, which can be discovered independently from religious revelation.



Magnificat by Ben Wildflower. The woodcut is based upon quotes from Mary's song found in Luke 1:46-55, one of the four canonical gospels in the Christian tradition. Used with permission of the artist.

Divine Command Theory²³

Religion and morality seem to go hand-in-hand, and specific moral codes are often grounded in specific religious traditions. Identifying the nature of the relationship between religion and morality may therefore seem straightforward: the right thing to do is whatever is right according to religious tradition. Justification for this claim derives support from the idea that religious moral codes have origins in divine will: "Morality is whatever God commands." The theory that identifies the morally right with what God commands is called, unsurprisingly, 'Divine Command Theory'. Divine Command Theory, or 'DCT', is attractive to religious practitioners for a couple reasons. One is that it captures the sense that religion provides guidance for living an ethical life; God provides this guidance through giving commands and shaping religious moral codes. Another is that DCT seems to provide a moral theory according to which there are objective moral facts; morality isn't susceptible to subjective preferences or impermanent social consciousness. If the morally right is what God commands, there is a true measure of our actions and a genuine responsibility for our behavior.

Despite this attraction, DCT is subject to a *dilemma*, a style of argument that requires commitment to either of two possible, and unfavorable, options. The Divine Command Theorist

is forced to make a choice: if the moral is whatever God commands, then either God commands things because they are right, or they are right because God commands them. As we will see, taking either option requires serious theological concessions.

But first, let's look at several quotes, two from purported religious revelations, and one from a contemporary divine command theorist.

But as for the towns of these peoples that the Lord your God is giving you as an inheritance, you must not let anything that breathes remain alive. You shall annihilate them [...] just as the Lord your God has commanded, so that they may not teach you to do all the abhorrent things that they do for their gods, and you thus sin against the Lord your God.

– Deuteronomy 20:16-18, NRSV

You shall put the inhabitants of that town to the sword, utterly destroying it and everything in it—even putting its livestock to the sword. All of its spoil you shall gather into its public square; then burn the town and all its spoil with fire, as a whole burnt offering to the Lord your God. It shall remain a perpetual ruin, never to be rebuilt.

– Deuteronomy 13:15-16, NRSV²⁴

How can divine command theorists make sense of purported commands from God that would seriously harm the innocent? Evangelical philosopher **William Craig** answers with the following.

According to the version of divine command ethics which I've defended, our moral duties are constituted by the commands of a holy and loving God. Since God doesn't issue commands to Himself, He has no moral duties to fulfill. He is certainly not subject to the same moral obligations and prohibitions that we are. For example, I have no right to take an innocent life. For me to do so would be murder. But God has no such prohibition. He can give and take life as He chooses. We all recognize this when we accuse some authority who presumes to take life as "playing God." Human authorities arrogate to themselves rights which belong only to God. God is under no obligation whatsoever to extend my life for another second. If He wanted to strike me dead right now, that's His prerogative.

– William Craig, contemporary Divine Command Theorist, defending his understanding of God's command to the Israelites to systematically exterminate the Canaanites in Deuteronomy 7 and 20.²⁵

Understandably, this can easily give us pause. Biting the bullet and accepting a God that is

beyond good and evil which issues commands that are moral *because* God issued them has been a recipe for all manner of violence towards the innocent across the world.

A similar dilemma is found in Plato's *Euthyphro*, a dialogue in which Socrates inquires about the nature of piety, or holiness. Euthyphro begins by proposing that whatever the gods love is pious or holy, and that which they hate is impious or unholy. Socrates presses Euthyphro by raising the dilemma of whether the pious or holy is beloved by the gods because it is holy, or whether the pious is holy because it is loved by the gods. Euthyphro replies that the pious is loved by the gods because it is holy; the pious is pious for a reason independent of the relationship between piety and the gods. The gods, then, love the pious for this reason, whatever the reason ends up being. But whatever is beloved of the gods is beloved because the gods love it; being beloved by the gods is entirely dependent on the relationship between the beloved and the gods. Socrates cites this difference in dependence as a reason to reject 'whatever the gods love' as a legitimate definition of 'piety'. There must be something else about piety, independent of its relationship to the gods, that establishes its true nature. Socrates is asking Euthyphro for this independent reason, which Euthyphro fails to provide.

We can instantiate the same kind of dilemma for Divine Command Theory, inquiring about the nature of morality. In what follows, we will address each option, or *horn* of the dilemma, in turn. In taking the first horn, that God commands things because they are right, the Divine Command Theorist will be required to concede that God is not unlimited in power. In taking the second horn, that things are right because God commands them, the Divine Command Theorist will be required to concede that God is not truly good. Since the Divine Command Theorist likely views unlimited power and unlimited goodness to be essential divine features, neither of these options is acceptable. Since it was the assumption that DCT is true that generated the dilemma, the Divine Command Theorist is forced to conclude that DCT is false.

The Dilemma

Divine Command Theory seems to be an attempt to ground morality theistically; the morally right is whatever God commands. As a background commitment, the Divine Command Theorist is likely motivating the theory in the context of a religious tradition that accepts the *divine perfections*, or attributes of God. The perfections include

- **omnipotence**: God is all-powerful,
- **omniscience**: God is all-knowing, and
- **omnibenevolence**: God is all-good.

It is certainly fair to question whether there is such a being that has, or necessarily has, the divine perfections. But the dilemma does not hinge on successfully arguing against the perfections. Instead, it is because the Divine Command Theorist likely accepts the divine perfections that the dilemma arises in the first place.

A being with the divine perfections, God, seems to be the kind of being that is capable of commanding actions that are morally right. Plausibly, God knows what is right, God desires for the right to be done, and God is powerful enough to effectively command the right. Therefore, DCT is a natural extension of this variety of theism.

But, given the divine perfections, we can construct the dilemma for the Divine Command Theorist:

- A1. If DCT is true, then morality is whatever God commands.
 - A2. If morality is whatever God commands, then either God commands things because they are morally right, or things are morally right because God commands them.
 - A3. If God commands things because they are morally right, then God is not omnipotent.
 - A4. If things are morally right because God commands them, then God is not omnibenevolent.
 - A5. God is both omnipotent and omnibenevolent.
- ∴ AC. DCT is false. ('∴' means 'therefore')

The argument begins in premise A1 by citing the definition of Divine Command Theory: the morally right is what God commands. The Divine Command Theorist will accept this premise, since it provides an accurate statement of what DCT is. Premise A2 sketches options for the relationship between morality and God's commands: either God's commands are grounded by moral facts or moral facts are grounded by God's commands. If there is an explanatory relationship between God and morality, then it has to be one or the other. In the first case, God looks to the moral facts to determine what should be commanded, ensuring that God is commanding what is indeed right. In the second case, God's commands establish the moral facts; whatever God decides is right becomes right in virtue of God's command.

More work needs to be done to establish premises A3 and A4, and we will see auxiliary arguments for these premises shortly. But before we do so, note that even if you don't agree with premise A5, the Divine Command Theorist almost certainly does. Premise A5 affirms a background commitment that the Divine Command Theorist likely accepts: God has the divine perfections. So, since accepting DCT yields two unacceptable options, the argument concludes with AC that DCT is false.

The First Horn: The Argument for A3

Premise A3 represents the first horn of the dilemma for the Divine Command Theorist: If God commands things because they are morally right, then God is not omnipotent. Premise A3 can be established by appealing to an auxiliary argument:

B1. If God commands things because they are morally right, then morality is outside God's control.

B2. If morality is outside God's control, then God is not omnipotent.

∴ A3. If God commands things because they are morally right, then God is not omnipotent.

B1, the first premise of the auxiliary argument highlights the relationship between morality and God's commands in taking the first horn of the dilemma. According to the first horn, God will guarantee that any command given fits with what's morally right. God will look to the moral facts and then make commands on their basis. So, suppose God is about to issue the Ten Commandments. God will investigate the nature of morality, identify the moral facts, and issue the commandments accordingly: Thou shalt not murder, thou shalt not steal, etc. God makes these commands because murder and stealing are wrong. The commandments should be followed, then, because the commandments accord with the moral facts. Since God is omnibenevolent, God will only issue commands that fit with the moral facts, and God defers to the moral facts in order to make moral commands. So, although God will command things that are morally right, the moral facts cannot be determined by God. Otherwise, they would be right because God commands them, and not the other way around.

Having deferred to the moral facts, God's commands are therefore somewhat restricted, and we arrive at B2. God cannot decide to command just anything; God will command only what is right. Accordingly, morality is independent of God, and God's commands are restricted to only what is right. Morality is not affected or changed by God's will. If this is the case, then a whole range of facts, moral facts, are outside the scope of God's control, and God has no power to change them. But if this is the case, then God is not omnipotent; God is not all-powerful.

Some argue that being restricted by moral facts does not threaten God's omnipotence. God is also restricted, plausibly, by logical facts. God cannot, for instance, make a round square, but this may not seem to be much of a threat to God's power. Unlike logical facts, however, one might argue that moral facts, like natural facts or physical facts, seem to be exactly the kinds of facts that *should* be within God's power. But, in taking this horn of the dilemma, the moral facts instead have power over God.

So, we arrive at A3: If God commands things because they are morally right, then God is not omnipotent. This is an unfortunate result for the Divine Command Theorist, who will consider rejecting God's omnipotence to be unacceptable. The first horn may then prod the Divine Command Theorist to consider the other option. Instead, perhaps things are morally right because God commands them.

The Second Horn: The Argument for A4

Premise A4 represents the second horn of the dilemma for the Divine Command Theorist: If things are morally right because God commands them, then God is not omnibenevolent. Premise A4 can be established by appealing to an auxiliary argument:

- C1. If things are morally right because God commands them, then God's commands are morally arbitrary.
- C2. If God's commands are morally arbitrary, then God is not omnibenevolent.
- ∴ A4. If things are morally right because God commands them, then God is not omnibenevolent.

C1, the first premise of this auxiliary argument illustrates the challenge of taking the second horn of the dilemma. This relationship between God's commands and morality makes it the case that God could command anything whatsoever and it would be morally right simply because God commanded it. So, when God issues the commandment, 'Thou shalt not murder', a class of actions, particular kinds of killing, became morally wrong. If God never gave the command, then these kinds of killing would be morally acceptable. If God had not prohibited it, then it would not be morally wrong, for instance, to kill an innocent person for no reason, despite any apparently-bad consequences or apparently-bad intentions.

Since, according to the second horn, the moral facts depend entirely on God's commands, there is no objective standard that God must look to before making commands. God could command, 'Thou shalt put on thy right shoe before thy left shoe except on every third Thursday of the month, in which case thou shalt put on thy left shoe before thy right.', and it would become immoral to put on your left shoe before your right on a Monday. Such a command is totally unprincipled, and we should feel no moral pull toward either shoe. This is because such a command would be *morally arbitrary*, or without principle or moral reason. There is no external standard by which we could measure the legitimacy of the command and no recourse to appeal to if we broke it. So, C1, if things are right because God commands them, then God's commands are morally arbitrary.

Even worse, if God's commands are morally arbitrary, then God could command things that we consider to be morally reprehensible, and these things would become right. For instance, God could command 'Thou shalt torture thy children', and it would be morally right to torture your children. Any complaints that this is wrong would fall on deaf ears, for, according to the second horn, if God commanded it, it is not wrong. The fact that the second horn allows that God could command things like the torture of children negates any lingering plausibility concerning God's omnibenevolence.

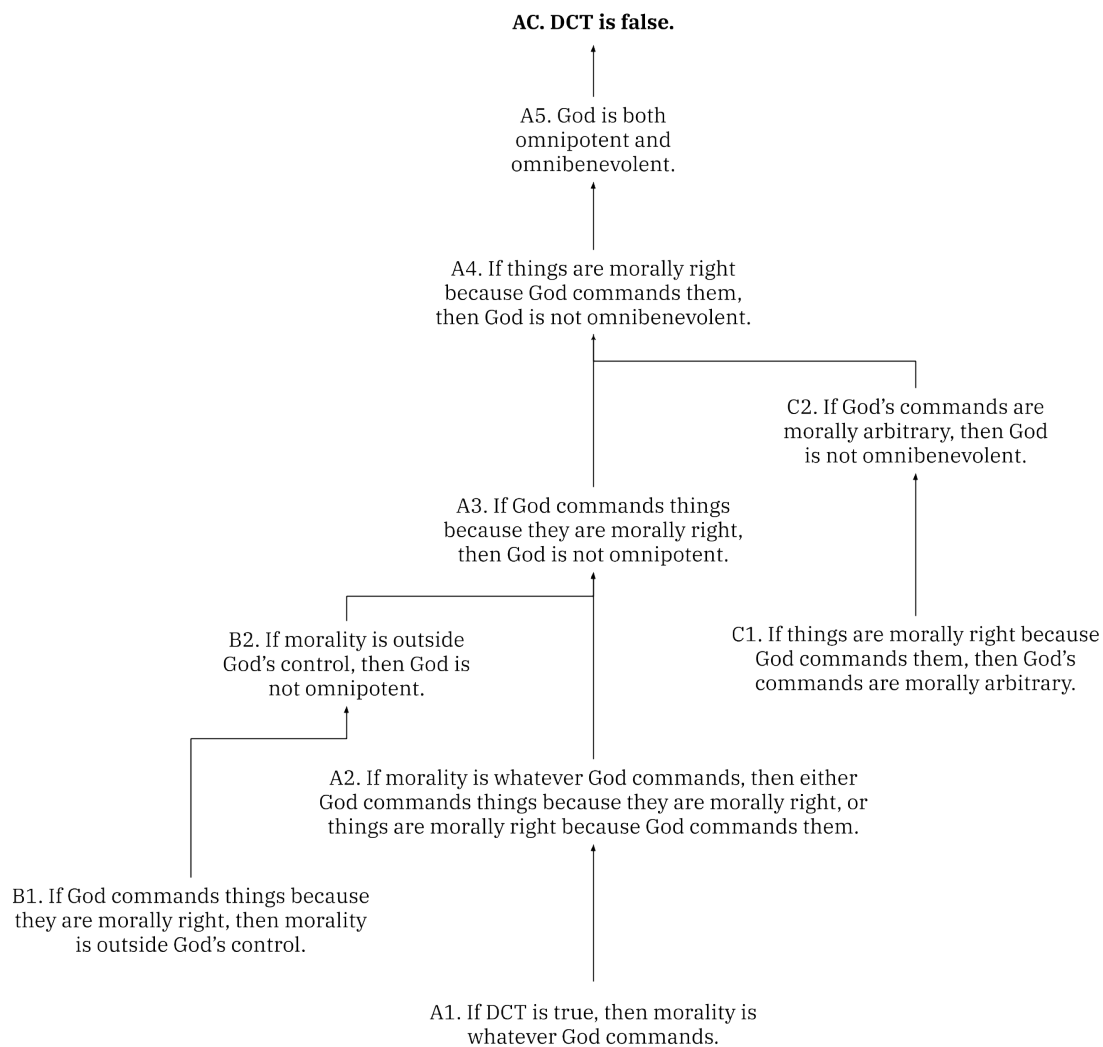
It is very tempting at this point to think, "Well, God would never command the torture of children, because torturing children is wrong, and God would not command something that

is wrong.” But note that in making this move, we find ourselves again facing the first horn. If God would not command something that is wrong, then this is possible only if God looks to the moral facts in order to determine what to command. But, if God does so, then morality is outside God’s control. The Divine Command Theorist can make this move, but then they must give up on God’s omnipotence.

The moral arbitrariness of God’s commands is a serious problem for the Divine Command Theorist, which we see in C2. Recall that God is supposed to be omnibenevolent. When omnibenevolence is attributed to God, it is supposed to highlight a perfection or a laudable divine quality. But if morality is arbitrary, then saying that God is good becomes trivial. It would be analogous to saying that God is divine, or, like Euthyphro, saying that whatever is beloved by the gods is loved by the gods. It may be true, but it does not provide any reason to think that divinity is a good-making feature or a perfection; it is true simply because anything that is God is divine. Likewise, anything that God commands would be morally right. So, saying that God is omnibenevolent is merely another way of saying that God meets the moral standard that God establishes. This is not praise-worthy; it is trivial.

We arrive at A4: If things are morally right because God commands them, then God is not omnibenevolent. Like rejecting God’s omnipotence, rejecting God’s omnibenevolence is likely to be considered unacceptable. In taking the second horn, the Divine Command Theorist fares just as poorly as in taking the first. Both options require conceding divine perfections, but this is inconsistent with what the Divine Command Theorist is trying to accomplish.

Below is how the argument as a whole operates.



The complete argument tree for the argument against DCT. Support runs from the bottom up.

Remaining Options

Having established the auxiliary arguments, we now see the dilemma completed. If DCT is true, then either

- God commands things because they are morally right, or
- they are morally right because God commands them.

If God commands things because they are right, then God is not omnipotent. If things are right because God commands them, then God is not omnibenevolent. Since God is (according to the divine perfections) both omnipotent and omnibenevolent, then we must conclude that DCT is false.

DCT has attraction given certain religious commitments. It is unlikely that an atheist, for instance, would endorse DCT. The dilemma is therefore forceful because it is contingent on a theological understanding that attributes the divine perfections to God. It is logically possible, however, for the Divine Command Theorist to reject A5 and deny that God is both omnipotent and omnibenevolent. An objection could take the form of arguing that it is theologically acceptable to say that God is not omnipotent or that God is not omnibenevolent. A Divine Command Theorist might prioritize the connection between God and morality over the divine perfections, and they may consider this to be necessary, albeit unpalatable, concession.

Another option is to deny the explanatory relationship between morality and God's commands. Perhaps what God commands is morally right but not *because* it is morally right, and whatever is morally right is morally right but not *because* God commands it. On this option, the class of actions that God commands is identical to the class of actions that are morally right, but there is no dependence in either direction.

In reply, we might grant that these options are possible. They are not, however, desirable. While there may be theists willing to concede the divine perfections, we suggest that in doing so we likewise concede attraction to grounding morality theistically. The connection between God and morality seems attractive because of the divine perfections, and conceding the divine perfections weakens the case to think that God and morality are inextricably linked. Further, if one thinks that God and morality are inextricably linked, it is implausible to argue that there is no explanatory relationship between them.

Conclusion

So, while it is natural for religious practitioners to see religion as authoritative in matters of morality. But if DCT is true, and morality is whatever God commands, then a dilemma arises. Either way we try to define the relationship between the morally right and the commands of God, an unacceptable result follows. Either morality is outside God's control, in which case God is not omnipotent, or God's commands are morally arbitrary, in which case God is not omnibenevolent. Since omnipotence and omnibenevolence are divine perfections that cannot be simply subtracted from God's nature, both horns of the dilemma are unacceptable. As a result, we, and the Divine Command Theorist, should conclude that DCT is false.

It is for this reason that religious ethicists shy away from Divine Command Theory and opt for other religious approaches to ethics. And here we introduce Thomas Aquinas and Natural Law Theory.

Natural Law Theory²⁶

Introduction to Aquinas

Thomas Aquinas (1225–1274) was an intellectual and religious revolutionary, living at a

time of great philosophical, theological and scientific development. He was a member of the Dominican Friars and taught by one of the greatest intellects of the age, Albert the Great (1208–1280). In a nutshell Aquinas wanted to move away from Plato's thinking, which was hugely influential at the time, and instead introduce Aristotelian ideas to science, nature and theology.

Aquinas wrote an incredible amount — in fact one of the miracles accredited to him was the amount he wrote! His most famous work is *Summa Theologica* and this runs to some three and half thousand pages and contains many fascinating and profound insights, such as proofs for God's existence. The book remained a fundamental basis for Catholic thinking right up to the 1960s! But do not worry we will only be focusing on a few key ideas! Specifically books I–II, questions 93–95.

For Aquinas, what role, if any at all, does God have when it comes to morality? For him, God's commands are there to help us to come to see what is right and wrong rather than determine what is right and wrong. That is, Aquinas opts for the Option A in the Euthyphro dilemma as stated above. But then this raises the obvious question: if it is not God's commands that make something right and wrong, then what does? Does not God just fall out of the picture? This is where his Natural Law Theory comes in.

Law

Aquinas's Natural Law Theory contains four different types of law:

1. Eternal Law,
2. Natural Law,
3. Human Law and
4. Divine Law.

The way to understand these four laws and how they relate to one another is via the Eternal Law, so we'd better start there...

By **Eternal Law** Aquinas means God's rational purpose and plan for all things. And because the Eternal Law is part of God's mind then it has always, and will always, exist. The Eternal Law is not simply something that God decided at some point to write.

Aquinas thinks that everything has a purpose and follows a plan. He, like Aristotle, is a teleologist²⁷ and believes that every object has a telos; the acorn has the telos of growing into an oak; the eye a telos of seeing; a rat of eating and reproducing etc. If something fulfills its purpose/plan then it is following the Eternal Law.

For Aquinas, there is an element of Eternal Law which intersects with how we are live and relate to others. This is what's known as **Natural Law**. Aquinas thinks that something is

good in as far as it fulfills its purpose/plan. This fits with common sense. A “good” eye is one which sees well, an acorn is a good if it grows into a strong oak tree. But what about humans? Just as a good eye is to see, and a good acorn is to grow then a good human is to...? Is to what? How are we going to finish this sentence? What do you think?

Aquinas thinks that the answer is reason and that it is this that makes us distinct from rats and rocks. What is right for me and you as humans is to act according to reason. If we act according to reason then we are partaking in the Natural Law.

If we all act according to reason, then we will all agree to some overarching general rules (what Aquinas calls primary precepts). These are absolute and binding on all rational agents and because of this Aquinas rejects relativism.

The first primary precept is that good is to be pursued and done and evil avoided. Aquinas reasons this is the guiding principle for all our decision making.

Before unpacking this, it is worth clarifying something about what “law” means. Imagine that we are playing Clued and we are trying to work out the identity of the murderer. There are certain rules about how to move around the board, how to deal out cards, how to reveal the murderer etc. These rules are all written down and can be consulted.

However, in playing the game there are other rules that operate which are so obvious that they are neither written down nor spoken. One such rule is that a claim made in the game cannot both be true and false; if it is Professor Plum who is the murderer then it cannot be true that it is not Professor Plum who is the murderer. These are internal rules which any rational person can come to recognize by simply thinking and are not external like the other rules — such as you can only have one guess as to the identity of the murderer. When Aquinas talks of Natural Laws, he means internal rules and not external ones.

Natural Law does not generate an external set of rules that are written down for us to consult but rather it generates general rules that any rational agent can come to recognize simply in virtue of being rational. For example, for Aquinas it is not as if we need to check whether we should pursue good and avoid evil, as it is just part of how we already think about things. Aquinas gives some more examples of primary precepts:

1. Protect and preserve human life.
2. Reproduce and educate one’s offspring.
3. Know and worship God.
4. Live in a society.

These precepts are primary because they are true for all people in all instances and are consistent with Natural Law.

Aquinas also introduces what he calls the Human Law which gives rise to what he calls “Secondary Precepts”. These might include such things as do not drive above 70mph on a motorway, do not kidnap people, always wear a helmet when riding a bike, do not hack into someone’s bank account. Secondary precepts are not generated by our reason but rather they are imposed by governments, groups, clubs, societies etc.

It is not always morally acceptable to follow secondary precepts. It is only morally acceptable if they are consistent with the Natural Law. If they are, then we ought to follow them, if they are not, then we ought not. To see why think through an example.

Consider the secondary precept that “if you are a woman and you live in Saudi Arabia then you are not allowed to drive”. Aquinas would argue that this secondary precept is practically irrational because it treats people differently based on an arbitrary difference (gender). He would reason that if the men in power in Saudi actually really thought hard then they too would recognize that this law is morally wrong. This in turn means that Aquinas would think that this human law does not fit with the Natural Law. Hence, it is morally wrong to follow a law that says that men can, and women cannot, drive. So although it is presented as a secondary precept, because it is not in accordance with Natural Law, it is what Aquinas calls an apparent good. This is in contrast with those secondary precepts which are in accordance with the Natural Law and which he calls the real goods.

Unlike primary precepts, Aquinas is not committed to there being only one set of secondary precepts for all people in all situations. It is consistent with Aquinas’s thinking to have a law to drive on the right in the US and on the left in the UK as there is no practical reason to think that there is one correct side of the road on which to drive.

It is clear that on our own we are not very good at discovering primary precepts and consequently Aquinas thinks that what we ought to do is talk and interact with people. To discover our real goods — our secondary precepts which accord with Natural Law — we need to be part of a society. For example, we might think that “treat Christians as secondary citizens” is a good secondary precept until we talk and live with Christians. The more we can think and talk with others in society the better and it is for this reason that “live in society” is itself a primary precept.

But looking at what we have said already about Natural Laws and primary and secondary precepts, we might think that there is no need for God. If we can learn these primary precepts by rational reflection then God simply drops out of the story (recall the Euthyphro dilemma above).

Just to recap as there are a lot of moving parts to the story. We now have Eternal Law (God’s plans/purpose for all things), Natural Laws (our partaking in the Eternal Law which leads to primary precepts), Human Laws (humans making specific laws to capture the truths of

the Natural Laws which lead to secondary precepts) and now finally Aquinas introduces the Divine Law.

The **Divine Law**, which is discovered through revelation, should be thought of as the Divine equivalent of the Human Law (those discovered through rational reflection and created by people). Divine laws are those that God has, in His grace, seen fit to give us and are those “mysteries”, those rules given by God which we find in scripture; for example, the ten commandments. But why introduce the Divine Law at all? It certainly feels we have enough Laws. Here is a story to illustrate Aquinas’s answer.

A number of years ago I was talking to a minister of a church. He told me about an instance where a married man came to ask his advice about whether to finish an affair he was having. The man’s reasoning went as follows — “I am having an affair which just feels so right, we are both very much in love and surely God would want what is best for me! How could it be wrong if we are so happy?”

In response, the minister opened the Bible to the Ten Commandments and pointed out the commandment that it says that it is wrong to commit adultery. Case closed. The point of this story is simple. We can be confused and mistaken about what we think we have most reason to do and because of this we need someone who actually knows the mind of God to guide us, and who better to know this than God Himself. This then is precisely what is revealed in the Divine Law.

Or consider another example. We recognize that we find it hard to forgive our friends and nearly always impossible to forgive our enemies. We tell ourselves we have the right to be angry, to bear grudges, etc. Isn’t this just human? However, these human reasons are distortions of the Eternal Law. We need some guidance when it comes to forgiveness and it is where the Divine Law which tells us that we should forgive others — including our enemies. Following the Human Laws and the Divine Laws will help us to fulfill our purposes and plans and be truly happy.

Summary of Aquinas's Natural Law Theory

For Aquinas everything has a function (a telos) and the good thing(s) to do are those acts that fulfill that function. Some things such as acorns, and eyes, just do that naturally. However, humans are free and hence need guidance to find the right path. That right path is found through reasoning and generates the “internal” Natural Law. By following the Natural Law we participate in God’s purpose for us in the Eternal Law.

However, the primary precepts that derive from the Natural Law are quite general, such as, pursue good and shun evil. So we need to create secondary precepts which can actually guide our day-to-day behavior. But we are fallible so sometimes we get these secondary precepts wrong, sometimes we get them right. When they are wrong they only reflect our apparent goods. When they are right they reflect our real goods.

Finally, however good we are because we are finite and sinful, we can only get so far with rational reflection. We need some revealed guidance and this comes in the form of Divine Law. So to return to the Euthyphro dilemma. God's commands through the Divine Law are ways of illuminating what is in fact morally acceptable and not what determines what is morally acceptable. Aquinas rejects the Divine Command Theory.

Putting this into Practice: The Doctrine of Double Effect (DDE)

Let's consider some examples to show that what we have said so far might actually work. Imagine someone considering suicide. Is this morally acceptable or not? Recall, it is part of the Natural Law to preserve and protect human life. Clearly suicide is not preserving and protecting human life. It is therefore irrational to kill oneself and cannot be part of God's plan for our life; hence it is morally unacceptable.

Imagine that someone is considering having an abortion after becoming pregnant due to rape. The same reasoning is going to apply. We ought to preserve and protect human life and hence an abortion in this case is morally wrong.

However, as we will see, Aquinas thinks that there are some instances where it is morally acceptable to kill an innocent person and therefore there may be occasions when it is morally acceptable to kill a fetus. But how can this be correct? Will this not violate the primary precept about preserving life? The answer is to understand that for Aquinas, an action is not just about what we do externally but is also about what we do internally (i.e. our motivations). With this distinction he can show that, for example, killing an innocent can be morally acceptable.

To make this clear, Aquinas introduces one of his most famous ideas: the "**Doctrine of Double Effect**". Let's see how this works.

Imagine a child brought up in a physically, sexually and emotionally abusive family. He is frequently scared for his life and is locked in the house for days at a time.

One day when his father is drunk and ready to abuse him again he quickly grabs a kitchen knife and slashes his father's artery.

His father bleeds out and dies in a matter of minutes. Do you think the son did anything wrong?

Many people would say that he did nothing morally wrong and in fact, some might even go as far as to say that he should get a pat on the back for his actions. What about Aquinas? What would he say?

We might think that given the Natural Law to "preserve and protect life" he would say that

this action is morally wrong. But, in fact, he would say the son's action was not morally wrong (Aquinas discusses self-defense in the *Summa Theologica* (II-II, Qu. 64)).

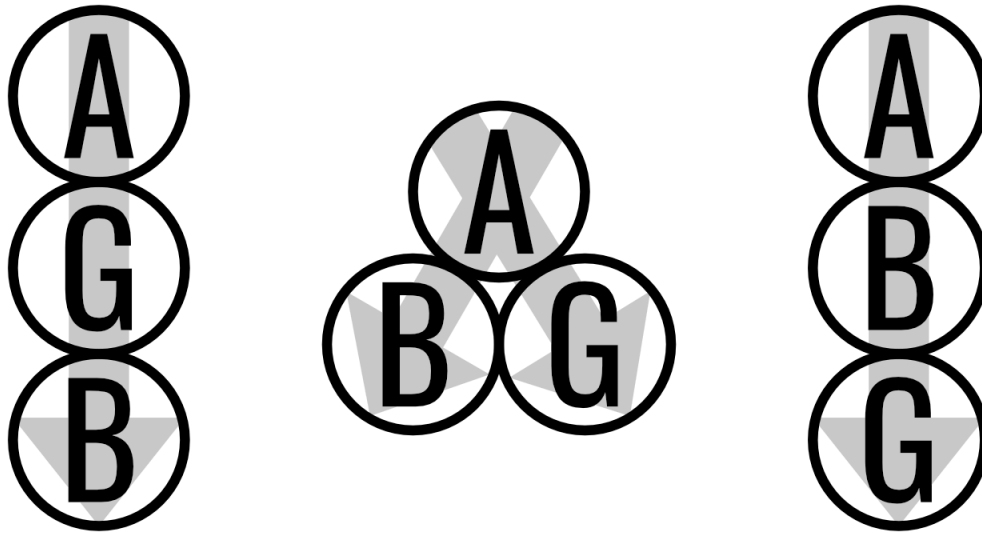
So why is the son killing the father not in direct contradiction with the primary precept? Aquinas asks us to consider the difference between the external act — the fact that the father was killed, and the internal act — the motive.

In our example, the action is one of self-defense because of the son's internal action and because of this, Aquinas would think the killing is morally acceptable. This distinction and conclusion is possible because of Aquinas's Doctrine of Double Effect which states that if an act fulfils four conditions then it is morally acceptable. If not, then it is not.

1. The first principle is that the act must be a good one.
2. The second principle is that the act must come about before the consequences.
3. The third is that the intention must be good.
4. The fourth, it must be for serious reasons.

This is abstract so let's go back to our example.

- The act of the son was performed to save his own life so that is good — we can tick (1).
- Moreover, the act to save his life came about first — we can tick (2).
- The son did not first act to kill his father in order to save his own life. That would be doing evil to bring about good and that is never morally acceptable. The intention of the son was to preserve and protect his life, so the intention was good — tick (3).
- Finally, the reasons were serious as it was his life or his father's life — tick (4).



Three possible relations of an action (A) which has a good (G) and bad effect (B). The second principle of the doctrine of double effect allows for the first two relations, but not the third, where the good effect comes about as a result of bad effect.

So given that the act meets all four principles, it is in line with the DDE and hence the action is morally acceptable, even though it caused someone to die and hence seems contrary to the primary precept of preserving life.

We can draw a contrasting case. Imagine that instead of slashing his father in self-defense, the son plans the killing. He works out the best time, the best day and then sets up a trip wire causing his father to fall from his flat window to his death. Does this action meet the four criteria of the DDE? Well, no, because the son's intention is to kill the father rather than save his own life — we must put a cross at (3).

We have already seen that suicide is morally impermissible for Aquinas, so does that mean that any action you take that leads knowingly to your own death is morally wrong? No. Because even though the external act of your own death is the same, the internal act — the intention — might be different. An action is judged via the Natural Law both externally and internally.

Imagine a case where a soldier sees a grenade thrown into her barracks. Knowing that she does not have time to defuse it or throw it away, she throws herself on the grenade. It blows up, killing her but saving other soldiers in her barracks. Is this wrong or right? Aquinas says this is morally acceptable given DDE. If we judge this act both internally and externally we'll see why.

The intention — the internal act — was not to kill herself even though she could foresee that this was certainly what was going to happen.

- The act itself is good, to save her fellow soldiers (1).
- The order is right, she is not doing evil so good will happen (2).
- The intention is good, it is to save her fellow soldiers (3).
- The reason is serious, it concerns people's lives (4).

Contrast this with a soldier who decides to kill herself by blowing herself up. The intention is not good and hence the DDE does not permit this suicidal action.

Finally, imagine that a woman is pregnant and also has inoperable uterine cancer. The doctors have two choices; to take out the uterus and save the mother, but the fetus will die; or leave the fetus to develop and be born healthy, but the woman will die. What would Aquinas say in this instance? Well using the DDE he would say that it is morally acceptable to remove the cancer.

The action is to remove the cancer; it has the foreseeable consequences of the fetus dying but that is not what is intended.

- The action — to remove the cancer — is good (1).
- The act of removing the cancer comes before the death of the fetus (2).
- The intention to save the woman's life is also good (3).
- Finally, the reasons are serious as they are about the life and death of the woman and the fetus (4).

So even though this is a case where the doctor's actions bring about the death of the fetus it would be acceptable for Aquinas through his Natural Law Theory, as is shown via the DDE.

Some Thoughts about Natural Law Theory

There are many things we might consider when thinking through Aquinas's Natural Law Theory. There are some obvious problems we could raise, such as the problem about whether or not God exists. If God does not exist then the Eternal Law does not exist and therefore the whole theory comes tumbling down. However, as good philosophers we ought always to operate with a principle of charity and grant our opponent is rational and give the strongest possible interpretation of their argument. So, let's assume for the sake of argument that God exists. How plausible is Aquinas's theory? There are a number of things that we can pick up on.

For Natural law theory:

- Natural ≠ what occurs in nature
- Natural = what fulfills a thing's purpose, or telos.

Aquinas's theory works on the idea that if something is "natural", that is, if it fulfills its function, then it is morally acceptable, but there are a number of unanswered questions relating to natural.

We might ask, **why does "natural" matter?** We can think of things that are not "natural" but which are perfectly acceptable, and things which are natural which are not. For example, wearing clothes, taking medication and body piercing certainly are not natural, but we would not want to say such things are morally wrong.

On the other hand, we might consider that violence is a natural response to an unfaithful partner, but also think that such violence is morally unacceptable. So, it is not true that we can discover what is morally acceptable or not simply by discovering what is natural and what is not.

Put this worry aside. Recall, Aquinas thinks that reproduction is natural and hence reproduction is morally acceptable. This means that sex that does not lead to reproduction is morally unacceptable. Notice that Aquinas is not saying that if sex does not lead to pregnancy it is wrong. After all, sometimes the timing is not right. His claim is rather that if there is no potential for sex to lead to pregnancy then it is wrong. However, even with this qualification this would mean a whole host of things such as homosexuality and contraception are morally wrong. We might take this as a reason to rethink Aquinas's moral framework. There is, though, a more fundamental worry at the heart of this approach (and Aristotle's) to ethics. Namely, they think that everything has a goal (telos). Now, with some things this might be plausible. Things such as the eye or an acorn have a clear function — to grow, to see — but what about humans? This seems a bit less obvious! Do humans (rather than our individual parts) really have a telos? There are certainly some philosophers — such as the existentialists, for example **Simone de Beauvoir** (1908–1986) — who think that there is no such thing as human nature and no such thing as a human function or goal.

But if we are unconvinced that humans have a goal, then this whole approach to ethics seems flawed.

Next we might raise questions about DDE. Go back to our example about abortion. For Aquinas it is morally acceptable to remove the uterus even if we know that in doing so the fetus will die. What is not morally acceptable is to intend to kill the fetus by removing the uterus. On first reading this seems to make sense; we have an intuitive feel for what DDE is getting at. However, when we consider it in more detail it is far from clear.

Imagine two doctors who (apparently) do exactly the same thing, they both remove the uterus and the fetus dies. The one intends to take out the uterus — in full knowledge that

the fetus will die — the other intends to kill the fetus. For the DDE to work in the way that Aquinas understands it, this difference in intention makes the moral difference between the two doctors. However, is there really a moral difference? To put pressure on the answer that there is, ask yourself what you think it means to intend to do something. If the first doctor says “I did not intend to kill the fetus” can we make sense of this? After all, if you asked her “did you know that in taking out the uterus the fetus would die?” she would say “yes, of course”. But if she did this and the fetus died, did not she intend (in some sense) to kill the fetus? So, this issue raises some complex question about the nature of the mind, and how we might understand intentions.

Finally, we might wonder how easy it is to work out what actually to do using the Natural Law. We would hope our moral theory gives us direction in living our lives. That, we might think, is precisely the role of a moral theory. But how might it work in this case?

For Aquinas, if we rationally reflect then we arrive at the right way of proceeding. If this is in line with the Natural Law and the Divine Law then it is morally acceptable. If it is out of line, then it is not. The assumption is that the more we think, the more rational we become, the more convergence there will be. We’ll all start to have similar views on what is right and wrong. But is this too optimistic? Very often, even after extensive reflection and cool deliberation with friends and colleagues, it is not obvious to us what we as rational agents should do. We all know people we take to be rational, but we disagree with them on moral issues. And even in obviously rational areas such as mathematics, the best mathematicians are not able to agree. We might then be skeptical that as rational agents we will come to be in line with the Natural and Divine Laws.

Summary

Aquinas is an intellectual giant. He wrote an incredible amount covering a vast array of topics. His influence has been immense. His central idea is that humans are created by God to reason — that is our function. Humans do the morally right thing if we act in accordance with reason, and the morally wrong thing if we don’t. Aquinas is an incredibly subtle and complex thinker. For example, his Doctrine of Double Effect makes us to reflect on what we actually mean by “actions”, “intentions” and “consequences”. His work remains much discussed and researched and typically still plays a central role in a Christian Ethics that rejects Divine Command Theory.

Common Student Mistakes

- Thinking that Aquinas is a Divine Command Theorist.

- Thinking that Eternal Law is something that God decided to write.
- Thinking that Natural Laws are laws of science — e.g. law of thermodynamics.
- Thinking that all the “laws” are absolute.
- Thinking that it is always morally required of us to follow secondary precepts.
- Thinking that Aquinas is committed to there being only one set of secondary precepts for all people in all situations.

Issues to Consider

1. If God exists, then what — if anything — do you think that has to do with what is right and wrong?
2. We might answer the “arbitrariness” dilemma by citing God’s nature. Why might this answer be problematic?
3. What is the point of the Euthyphro dilemma and how can this create problems for DCT?
4. What are the reasons some people believe religion is necessary in order to have morality? Do you think they are right? Why or why not?
5. If God is perfect, does DCT still make sense? Why or why not?
6. What is the Eternal Law?
7. What are Natural Laws and primary precepts?
8. What are Human Laws and secondary precepts?
9. What are Divine Laws?
10. Just as a good eye is to see, and a good acorn is to grow then a good human is to...? Is to what? How are we going to finish this sentence?
11. People often talk about what is “natural”? What do you think they mean by this? How useful is the notion of “natural” in a moral theory?
12. Think of a descriptive claim. Think of a prescriptive claim. Why might it be problematic moving from one to the other?
13. If people thought long enough, do you think there would be convergence on what is morally right and wrong?
14. What is the doctrine of double effect?

15. What is the difference, if anything, between intending to bring about some end and acting where you know your action will bring about that end?

Key Terminology

Key Terminology

- Apparent goods
- A priori
- A posteriori
- Eternal Law
- External acts
- Natural Law
- Primary precepts
- Real goods
- Secondary precepts
- Internal acts
- Doctrine of Double Effect

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Notes

1. See the introduction to Stephen Prothero's *God is Not One*.
2. Compare Jesus' summary of the Law and the Prophets in Matthew 22:40 with Hillel's summary of the Torah in Shabbat 31a.
3. In the opening chapters of the book of Genesis there is the myth of the first murder. YHWH asks Cain where his brother Abel is (Cain had killed him a few verses before). Cain responds by asking YHWH whether or not he is his brother's keeper.
4. The Desert Monotheisms are those religions that follow the God of Abraham as the one true god and arose in what is now known as the Middle East. The exact meaning of the phrase is contested, but we will use the term to denote the idea that the God of Abraham has created humanity with a special purpose, place, and role in creation.
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 23. The bulk of this section on the problems with Divine Command Theory was written by Kristin Seemuth Whaley. She is Assistant Professor of Philosophy at Graceland University. She specializes in metaphysics and philosophy of religion, and she is a recipient of the AAPT Grant for Innovations in Teaching. You can find more information about Dr. Seemuth Whaley’s work at kristinseemuth-whaley.com. This work was originally published in *Introduction to Ethics* put out by NGE Far Press. The whole work was released under a CC-BY license. Edits primarily consist of quotes and diagrams.
 24. Note that this command is conditional, only to be done when the people of the town propose worshipping gods other than YHWH.
 25. Quoted from Craig’s post “[Slaughter of the Canaanites](#)” published through *Reasonable Faith*, founded by Craig.
 26. This section is primarily written by Dimmok and Fisher.
 27. Stems from the Greek term “telos,” which refers to what we might call a purpose, goal, end/or the true final function of an object & not to be confused with a teleological ethical theory such as Utilitarianism.

KANTIAN ETHICS

Andrew Fisher and Mark Dimmock

In spite of its horrifying title Kant's *Groundwork of the Metaphysics of Morals* is one of the small books which are truly great; it has exercised on human thought an influence almost ludicrously disproportionate to its size.

– H. J. Paton, 'Preface' in I. Kant, *Moral Law*, p. 7.

An Introduction to Kantian Ethics

Immanuel Kant was born in 1724 in Königsberg in East Prussia, where he died in 1804. Kant is famous for revolutionising how we think about just about every aspect of the world — including science, art, ethics, religion, the self and reality. He is one of the most important thinkers of all time, which is even more remarkable by the fact that Kant is a truly awful writer. His sentences are full of technical language, are very long, and are incredibly dense. You have been warned!

Kant is a rationalist writing during the Enlightenment (1685–1815). He thinks that we can gain knowledge from our senses and through our rational capacities. This means his general philosophical approach starts by asking what we can know *a priori*. This is key to understanding his work but also makes his writing on ethics seem a bit odd. We think the study of ethics — unlike say maths — ought to direct our eye to what is going on around us in the world. Yet Kant starts by turning his eyes “inward” to thinking about ethical ideas.

Kant believes that in doing this people will come to recognize that certain actions are right and wrong irrespective of how we might feel and irrespective of any consequences. For Kant, actions are right if they respect what he calls the Categorical Imperative. For example, because lying fails to respect the Categorical Imperative it is wrong and is wrong irrespective of how we might feel about lying or what might happen if we did lie; it is actions that are right and wrong rather than consequences. This means that Kant's theory is deontological rather than teleological. It focuses on our duties rather than our ends/goals/consequences.

There is, however, something intuitive about the idea that morality is based on reason rather than feelings or consequences. Consider my pet cat Spartan. He performs certain actions like scrabbling under bed covers, meowing at birds and chasing his tail. Now consider my daughter Beth, she performs certain actions like caring for her sister and helping the homeless.

Spartan's actions are not moral whereas Beth's actions are. Spartan's thinking and actions are driven by his desires and inclination. He eats and plays and sleeps when he desires to do so, there is no reasoning on his part. Beth, in contrast, can reflect on the various reasons she has, reasons to care for her sister and the homeless.

We might think then that humans are moral beings not because we have certain desires but precisely because we are rational. We have an ability to "stand back" and consider what we are doing and why. Kant certainly thought so and he takes this insight as his starting point.

Some Key Ideas

Duty

Kant's main works in ethics are his *Metaphysics of Morals* (1797) and the *Groundwork of the Metaphysics of Morals* (1785). Neither give practical advice about particular situations but rather through rational reflection, Kant seeks to establish the supreme principle of morality.

He starts from the notion of "duty" and although this is a rather old-fashioned term, the idea behind it should sound familiar. Imagine, your friend has told you that she is pregnant but asks you to promise to keep her secret. Through the coming weeks this juicy bit of gossip is on the tip of your tongue but you do not tell anyone because of your promise. There are things we recognize as being required of us irrespective of what we (really) desire to do. This is what Kant means by duty.

But this raises the question. If it is not desires that move us to do what is right (even really strong desires), what does? In our example, why is it that we keep our promise despite the strong desire to gossip? Kant's answer is "the good will".

Good Will

Kant gives the following characterization of the good will. It is something that is good irrespective of effects:

A good will is good not because of what it effects or accomplishes — because of its fitness for attaining some proposed end: it is good through its willing alone — that is, good in itself.¹

It is also good without qualification.

It is impossible to conceive anything at all in the world, or even out of it, which can be taken as good without qualification, except a good will.²

What does Kant mean? Well, pick anything you like which you think might make an action good — for example, happiness, pleasure, courage, and then ask yourself if there are any situations you can think of where an action having those features makes those actions worse?

It seems there are. Imagine someone who is happy when kicking a cat; or someone taking pleasure in torture; or a serial killer whose courage allows her to abduct children in broad daylight. In such cases the happiness, pleasure and courage make the actions worse. Kant thinks we can repeat this line of thinking for anything and everything, except one thing — the good will.

The good will unlike anything else is good unconditionally and what makes a good will good is willing alone; not other attitudes, or consequences, or characteristics of the agent. Even Kant thinks this sounds like a rather strange idea. So how can he (and we) be confident that the good will even exists?

Consider **Mahatma Gandhi's** (1869–1948) non-violent protest for Indian independence. He stood peacefully whilst the British police beat him. Here is a case where there must have been an overwhelming desire to fight back. But he did not. In this type of action Kant would claim that we “see” the good will — as he says — “shining like a jewel”.³ Seeing such resilience in the face of such awful violence we are humbled and can recognize, what Kant calls, its moral worth. Obviously not all actions are as significant as Gandhi's! However, Kant thinks that any acts like this, which are performed despite conflicting desires, are due to the good will. Considering such actions (can you think of any?) means we can recognize that the good will exists.

Acting for the Sake of Duty and Acting in Accordance with Duty

From what we have said above about the nature of duty and good will we can see why Kant says that to act from good will is acting for the sake of duty. We act despite our desires to do otherwise. For Kant this means that acting for the sake of duty is the only way that an action

can have moral worth. We will see below what we have to do for our actions to be carried out for the sake of duty. However, before we do this, we need to be really clear on this point about moral worth.

Imagine that you are walking with a friend. You pass someone begging on the street. Your friend starts to weep, fumbles in his wallet and gives the beggar some money and tells you that he feels such an empathy with the poor man that he just has to help him.

For Kant, your friend's action has no moral worth because what is moving him to give money is *empathy rather than duty*! He is acting in accordance with duty. However, Kant does think your friend should be applauded as such an action is something that is of value although it wouldn't be correct to call it a moral action.

To make this point clearer, Kant asks us to consider someone who has no sympathy for the suffering of others and no inclination to help them. But despite this:

...he nevertheless tears himself from his deadly insensibility and performs the action without any inclination at all, but solely from duty then for the first time his action has genuine moral worth.⁴

In contrast to our friend, this person is acting for the sake of duty and hence their action is moral. We must be careful though. Kant is not telling us to become emotionally barren robots! He is not saying that before we can act morally we need to get rid of sympathy, empathy, desires, love, and inclinations. This would make Kant's moral philosophy an absurd non-starter.

Let us see why Kant is not saying this. Consider an action such as giving to others. We should ask whether an action of giving to others would have been performed even if the agent lacked the desire to do so. If the answer is "yes" then the act has moral worth. This though is consistent with the agent actually having those desires. The question for Kant is not whether an agent has desires but what moved the agent to act. If they acted because of those desires they acted in accordance with duty and their action had no moral worth. If they acted for the sake of duty, and just happened to have those desires, then their action has moral worth.

Categorical and Hypothetical Imperatives

If we agree with Kant and want to act for the sake of duty what should we do? His answer is that we have to act out of respect for the moral law. He has two examples of how this works in practice: lying and suicide. We look at the former in Chapter 13, we will consider Kant's example of suicide at the end of this chapter. However, before doing this we need to get a sense of what Kant has in mind when he talks about acting out of respect for the moral law.

The moral law is what he calls the "Categorical Imperative". He thinks there are three formulations of this.

Formulation	Shorthand	Imperative
First Formulation	C-1	...act only according to that maxim through which you can at the same time will that it become a universal law. ⁵
Second Formulation	C-2	So act that you use humanity, in your own person as well as in the person of any other, always at the same time as an end, never merely as a means. ⁶
Third Formulation	C-3	...every rational being must so act as if he were through his maxim always a lawmaking member in the universal kingdom of ends. ⁷

We will consider these in turn, showing how they are linked. Consider then, CI-1. Kant's idea is that we use this "test" to see what maxims are morally permissible. If we act in accordance with those then we are acting from duty and our actions have moral worth. Let us look at what this means.

Initially it is worth considering what "categorical" and "imperative" mean. An imperative is just a command. "Clean your room!" is an imperative I give my daughter every Saturday. "Do not park in front of these gates!" is a command on my neighbor's gate. "Love your God with all your heart, mind and soul" is a command from the Bible.

What about the "categorical" part? If a command is categorical then people ought to follow it irrespective of how they feel about following it, irrespective of what consequences might follow, or who may or may not have told them to follow it. For example, the command "do not peel the skin of babies" is categorical. You ought not to do this and the fact that this might be your life's ambition, or that you really want to do it, or that your teacher has told you to do it, is completely irrelevant.

Contrast this with Hypothetical Imperatives. If I tell my daughter to clean her room, this is hypothetical. This is because whether she ought to clean her room is dependent on conditions about her and me. If she does not care about a clean room and about what her dad thinks, then it is not true that she ought to clean her room. Most commands are hypothetical. For example, "study!" You ought to study only if certain things are true about you; for example, that you care about doing well, that you want to succeed in the test etc.

Kant thinks that moral "oughts" — for example, "you ought not lie" — are categorical. They apply to people irrespective of how they feel about them.

The next thing we need is the idea of a "maxim". This is relatively simple and is best seen through the following examples. Imagine I'm considering whether to make a false promise. Perhaps I think that by falsely promising you that I will pay you back I will be more likely to

get a loan from you. In that case my maxim is something like “whenever I can benefit from making a false promise I should do so”.

Imagine I decide to exercise because I feel depressed, then I may be said to be acting on the maxim “Whenever I feel depressed I will exercise”. **A maxim is a general principle or rule upon which we act.** We do not decide on a set of maxims, perhaps writing them down, and then try to live by them but rather a maxim is the principle or rule that can make sense of an action whether or not we have thought about it in these terms.

The First Formulation of the Categorical Imperative

Let’s put these bits together in relation to CI-1

...act only according to that maxim through which you can at the same time will that it become a universal law.⁸

The “test” that CI-1 prescribes is the following. Consider the maxim on which you are thinking about acting, and ask whether you can either

- i. conceive that it become a universal law, or
- ii. will that it become a universal law.

If a maxim fails on either (i) or (ii) then there is no good reason for you to act on that maxim and it is morally impermissible to do so. If it passes the CI test, then it is morally permissible.

Kant is not saying that the CI-1 test is a way of working out what is and what is not moral. Presumably we can think of lots of maxims, which are non-moral, which pass the test, for example, “whenever I am bored I will watch TV”.

Equally he is not saying that if a maxim cannot be universalized then it is morally impermissible. Some maxims are just mathematically impossible. For example, “whenever I am going to exercise I will do it for an above the average amount of time”. This maxim cannot be universalized because we cannot conceive that everyone does something above “average”.

Finally, it is worth remembering that the maxim must be able to be willed as a universal law. This is important because maxims such as “if your name is Jill and you are 5ft 11, you can lie” will fail to be universalized because you cannot will that your name is Jill or that your height is 5ft11. It has to be possible to will as a universal law and for this to be true it must be at least possible for it actually to come about. This shows that the common concern that we can get any maxim to pass the CI-1 test by simply adding more and more specific details, such as names, heights or locations, fails. This is very abstract (what did we tell you about Kant’s work!). Let us consider an example.

Perfect and Imperfect Duties

Recall the example of making a false promise to secure a loan. The maxim is “whenever I can benefit from doing so, I should make a false promise”. The question is whether I could conceive or will that this become a universal law.

I could not. If everyone followed this maxim then we would all believe everyone else could make a false promise if it would benefit them to do so. Kant thinks such a situation is not conceivable because the very idea of making a promise relies on trust. But if “whenever it is of benefit to you, you can make false promises” was to become a universal law then there would be no trust and hence no promising. So, by simply thinking about the idea of promising and lying we see the maxim will fail the test and, because we cannot universalize the maxim, then making a false promise becomes morally impermissible. This is true universally for all people in all circumstances for anyone can, in principle, go through the same line of reasoning.

A maxim failing at (i) is what Kant calls a **contradiction in conception**, and succeeding at (i) means we are dealing with what Kant calls a **perfect duty**. In our example we have shown we have a perfect duty not to make false promises.

Consider another example. Imagine that someone in need asks us for money but we decide not to help them. In this case our maxim is “whenever someone is in need and asks for money do not give them money”. Does this pass the CI-1 test?

No it fails the CI-1 test. Although it is true that the maxim passes (i) not giving to the needy does not threaten the very idea of giving money away. Kant thinks that anyone thinking about this will see that that maxim will fail at (ii) and hence it is morally impermissible. Here is why.

You cannot know if you will be in need in the future and presumably you would want to be helped if you were in need. In which case you are being inconsistent if you willed that “people should not help those in need” should become a universal law. For you might want people to help those in need in the future, namely, you.

So we cannot will the maxim “whenever someone is in need do not help them” to become a universal moral law. Again this is a thought process that anyone can go through and it means that this moral claim is true universally for all people in all circumstances. Failing at (ii) is what Kant calls a contradiction in will, and failing at (ii) means we are dealing with what Kant calls an imperfect duty.

It is absolutely key to recognize that CI-1 is not simply asking “what if everyone did that?” CI-1 is not a form of Utilitarianism. (See Part I: Moral Theories Utilitarianism.) Kant is not saying that it is wrong to make false promises because if people did then the world would be

a horrible place. Rather Kant is asking about whether we can conceive or will the maxim to become a universal law.

Second Formulation of the Categorical Imperative

The second formulation CI-2 is the following:

So act that you use humanity, in your own person as well as in the person of any other, always at the same time as an end, never merely as a means.

Kant thinks that CI-1 and CI-2 are two sides of the same coin, though precisely how they are related is a matter of scholarly debate. Put very simply CI-2 says you should not use people, because if you do, you are failing to treat them as a rational agent and this is morally wrong.

For example, if I use your essay without your knowledge then I have not treated you as a rational agent. I would have done had I asked you for your essay and you had freely chosen to let me have it. But given that I did not ask you, I was in a sense making choices on your behalf and thus did not treat you as a rational agent. So according to Kant I should always treat you as an end not a means. I should always treat you as a free rational agent.

Kant's theory then has a way of respecting the dignity of people. We should treat people with respect and with dignity purely on the basis that they are rational agents, and not because of their race, gender, education, upbringing etc. From this you can also see that Kant's theory allows us to speak about "rights". If someone has a right then they have this right irrespective of gender, education, upbringing etc. For example, Jill has a right to free speech because she is a person, consequently that right will not disappear if she changes her location, personal circumstances, relationship status, political viewpoint etc. After all she does not stop being a person.

Importantly, CI-2 does not say that you either treat someone as a means or an end. I could treat someone as an end by treating them as a means. Suppose that you have freely decided to become a taxi driver. If I use you as a means by asking you to take me to the airport I am also treating you as an end. But Kant does not believe this to be morally wrong because I am respecting you as a rational agent; after all, you chose to be a taxi driver. Of course, if I get



Timoclea Kills the Captain of Alexander the Great by Elisabetta Sirani (1659). Timoclea threw the captain down a well, actually. Kant would say that Timoclea is not treating the captain as an end-in-himself and only as a means to her own end.

into your car and point a gun at your head and ask to be taken to the airport then I am not treating you as an end but rather solely as a means, which is wrong.

The Third Formulation of the Categorical Imperative and Summary

The final formulation of the Categorical Imperative is a combination of CI-1 and CI-2. It asks us to imagine a kingdom which consists of only those people who act on CI-1. They never act on a maxim which cannot become a universal law. In such a kingdom people would treat people as ends, because CI-2 passes CI-1. This is why CI-3 is often called the “Kingdom of Ends” formulation:

...every rational being must so act as if he were through his maxim always a lawmaking member in the universal kingdom of ends.

In summary, we have seen that Kant thinks that acts have moral worth only if they are carried out for the sake of duty. Agents act for the sake of duty if they act out of respect for the moral law, which they do by following the Categorical Imperative in one of its formulations.

Consequently, Kant thinks that acts are wrong and right universally, irrespective of consequences and desires. If lying is wrong then it is wrong in all instances. From all this, it follows that we cannot be taught a set of moral rules for each and every situation and Kant believes that it is up to us to work it out for ourselves by thinking rationally.

There have been, and continue to be, many books and journal articles written about Kant’s ethics. He has a profound and deep insight into the nature of morality and he raises some fundamental questions about what it is to be human. Kant’s moral theory is radically Egalitarian as his theory is blind to individual personal circumstances, race, gender and ethnicity. Everyone is equal before the moral law!

Related to this, his theory respects the rights of individuals and, relatedly, their dignity. Any theory that is to have a hope of capturing our notion of rights needs to be able to respect the thought that a right is not something that disappears if circumstances change. Jill has a right to life, period; we do not say Jill has a right to life “if...” and then have to fill in the blanks. This is precisely something that Kant’s theory can give us. CI-1 generates maxims which do not have exceptions and CI-2 tells us that we should always treat everyone as an end in themselves and never solely as a means to an end. It tells us, for example, that we ought not to kill Jill, and this holds true in all circumstances.

There are, though, a number of tough questions that Kant’s work raises. We consider some of these below. However, as with all the philosophical ideas we discuss in this book, Kant’s work is still very much alive and has defenders across the world. Before we turn to these worries, we work through an example that Kant gives regarding suicide.

Kant on Suicide

Kant is notoriously stingy with examples. One he does mention is suicide. This is an emotive topic and linked to questions about mental health and religion. An attraction of Kant's view is the ability to apply his Categorical Imperatives in a dispassionate way. His framework should allow us to "plug in" the issue and "get out" an answer. Let's see how this might work.

Kant thinks that suicide is always wrong and has very harsh words for someone who attempts suicide:

He who so behaves, who has no respect for human nature and makes a thing of himself, becomes for everyone an Object of freewill. We are free to treat him as a beast, as a thing, and to use him for our sport as we do a horse or a dog, for he is no longer a human being; he has made a thing of himself, and, having himself discarded his humanity, he cannot expect that others should respect humanity in him.⁹

But why does he think this? How does this fit with Kant's Categorical Imperatives? We will look at the first two formulations.

Fundamental to remember is that for Kant the motive that drives all suicide is "avoid evil". By which he means avoiding suffering, pain, and other negative outcomes in one's life. All suicide attempts are due to the fact that we love ourselves and thus want to "avoid evils" that may befall us.

Imagine then that I decide to commit suicide. Given what we have just said about my motives this means I will be acting on this maxim: "From self-love I make as my principle to shorten my life when its continued duration threatens more evil than it promises satisfaction".¹³

Following CI-1 the question then is whether it is possible to universalize this maxim? Kant thinks not. For him it is unclear how we could will it that all rational agents as the result of self-love can destroy themselves when their continued existence threatens more evil than it promises satisfaction. For Kant self-love leading to the destruction of the self is a contradiction. Thus he thinks that we have a perfect (rather than an imperfect) duty to ourselves not to commit suicide. To do so is morally wrong. This is how Kant puts it:

One sees at once a contradiction in a system of nature whose law would destroy life [suicide] by means of the very same feeling that acts so as to stimulate the furtherance of life [self-love], and hence there could be no existence as a system of nature. Therefore, such a maxim cannot possibly hold as a universal law of nature and is, consequently, wholly opposed to the supreme principle of all duty.¹⁰

Notice a few odd things here in relation to CI-1. The point about universalization seems irrel-

evant. Kant could have just said it is a contradiction to will from self-love the destruction of oneself. It seems that there is nothing added by asking us to consider this point universalized. It does not add weight to the claim that it is a contradiction.

Second, it is not really a “contradiction” at all! It is different to the lying promise example. In this it seems that the very concept of a promise relies on trust, which lying would destroy. In contrast in the suicide case the “contradiction” seems more like a by-product of Kant’s assumption regarding the motivation of suicidal people. So we can avoid the “contradiction” if we allow for the possibility that suicide need not be driven by self-love. If this were true then there would be no “contradiction”. Hence, it seems wrong to call the duty not to kill oneself — if such a duty exists — a “perfect” duty. So the first formulation does not give Kant the conclusion that suicide is morally wrong.

Moving to the second formulation. This helps us understand Kant’s harsh assessment of people attempting suicide. Remember he calls such people “objects” or “beasts” or “things”. So, what is the difference between beasts or objects or things, and humans? The answer is that we are rational. Recall, that for Kant our rationality is of fundamental value. If anyone’s actions do not recognize someone else’s rationality then they have done something morally wrong. This amounts to treating them as merely means to our own end. Given all this you can see what Kant is getting at. For him committing suicide is treating yourself as a mere means to some end — namely the end of avoiding pain and suffering etc. — and not an end in itself. You are treating yourself as a “beast” a “thing” an “object”, not as a human being with the gift of reason. This is morally wrong.

Moreover, if you do this, then others treating you with respect as a rational person can conclude that you also want others to treat you in this way. Because if you are rational then you must think that it is OK to universalize the maxim that we can treat others as objects, beast and thing. They can thus treat you as a beast, object, and thing and still be treating you with respect as a rational agent. With regard to attempting suicide your action is wrong because you have ignored your own rationality. You have treated yourself as a mere means to an end.

But, like the first formulation this is very weak. It is unclear why in attempting suicide you are treating yourself as a mere means to an end. You might think you are respecting your rationality by considering suicide. Recall, Kant says that it is sometimes fine to treat people as a means to an end, e.g. a taxi driver. It is fine where people have given consent for you to treat them that way. In that case, suicide might be like the taxi driver case. We have freely decided to treat ourselves as a means to an end. We are, then, treating ourselves as a rational agent and not doing something morally wrong by committing suicide. There are some other things that Kant says about the wrongness of suicide that do not link to the Categorical Imperatives. For example, he talks about humans being the property of God and hence our lives not being something we can choose to extinguish. However, we need not discuss this here.

There is a consensus between Kant scholars that, as it stands, Kant's argument against suicide fails. There are some though who use Kant's ideas as a starting point for a more convincing argument against suicide. For example, see J. David Velleman (1999) and Michael Cholbi (2000).

Problems and Responses

Conflicting Duties

If moral duties apply in all circumstances, then what happens when we have duties which conflict? Imagine that you have hidden some Jewish people in your basement in Nazi Germany. Imagine then that an SS officer knocks at your door and asks if you are hiding Jews? What might Kant's theory tell us to do? Our duty is to refrain from lying so does this mean we are morally required to tell the SS officer our secret? If this is the conclusion then it makes Kant's theory morally repugnant.

However, there is no requirement in Kant's theory to tell the truth, there is just a requirement not to lie. Lying is about intentional deceit, so maybe in this example there is a way not to lie. For example, if we simply stayed silent.

Even if we respond in this sort of way in this example, presumably we can engineer an example that would not allow for this. For example, perhaps we are in a law court and the SS officer asks us under oath. In that example, silence would not be an option. This certainly would seem to count against Kant's theory for it does seem morally wrong to reveal the location of the Jewish people.

The main point though is that Kant thinks we need to take the features of each individual situation into account. He does not just want us to mindlessly apply generic rules whilst paying no attention to what is before us. Peter Rickman writes regarding these types of cases:

...it should be plain that more than one imperative/moral principle is relevant to the situation. Certainly we should tell the truth; but do we not also have a duty to protect an innocent man from harm? Further, do we not have an obligation to fight evil? We are confronted with a conflict of values here. Unfortunately, as far as I know, there is no explicit discussion of this issue in Kant. One could assume, however, that his general approach of distinguishing the lesser from the greater evil should be applied. I think Kant might say that although lying is never right, it might be the lesser evil in some cases.¹¹

The point is not that these sorts of examples are "knock down" criticisms of Kant's theory but rather that Kant's theory is underspecified and fails to give guidance with these specific sorts of cases. In fact, we might think that this is an advantage of his theory that has given us the supreme principle of morality and the general way of proceeding but has left it up to us to work out what to do in each situation. We will leave the reader to see if this can be done

and in particular, whether it can be done in a way consistent with the other aspects of his moral theory.

Problems and Responses: The Role of Intuitions

One of the most common criticisms leveled at Kant's theory is that it is simply counter intuitive. For example, lying, for him, is morally impermissible in all instances irrespective of the consequences. Yet we seem to be able to generate thought experiments that show that this is a morally repugnant position.

However, in Kant's defense we might ask why we should use our intuitions as any form of test for a moral theory. Intuitions are notoriously fickle and unreliable. Even if you pick the oddest view you can think of, you would probably find some people at some point in time that would find this view "intuitive". So how worried should we be if Kant's theory leads to counter intuitive consequences? This then raises a more general methodological question to keep at the forefront of your mind when reading this book. What role, if any, should intuitions have in the formation and the testing of moral theory?

Problem and Responses: Categorical Imperatives and Etiquette

Kant argues that what we are morally required to do is a matter of reason. If people reason in the right way then they will recognize, for example, that lying is wrong. However, some philosophers, for example Philippa Foot (1920–2010), have worried about this link to reason. The strength of Foot's challenge is that she agrees that morality is a system of Categorical Imperatives but says that this need not be due to reason.

Foot uses the example of etiquette to motivate her argument.¹² Rules of etiquette seem to be Categorical Imperatives but are not grounded in reason. Consider an example. I had a friend at university who was a sportsman. He was in many teams, his degree was in sports and exercise and if there were ever a spare minute he would be running, on his bike or in the pool. Unsurprisingly he wore a tracksuit and trainers all the time!

During our second year at university a mutual friend died. There was a big formal funeral arranged. My friend decided to go to this funeral in his tracksuit and trainers. I asked him about this and his response was that it was what he liked wearing. However, to my mind at least, this reason, which was based on his desire, did not change the fact that he really ought not have worn a tracksuit. Foot would agree and thinks that rules of etiquette are categorical because they are not dependent on any particular desires someone would have.

However, even if they are categorical, Foot thinks that rules of etiquette are not rules of reason. We do not think that if we reasoned correctly we would recognize that we ought not to wear tracksuits to funerals, or (to think of some other rules of etiquette) we ought not to reply to a letter written in the third person in the first person, or we ought not to put our feet

on the dinner table during a meal etc. It is not simply a matter of thinking in the right way but rather to recognize these “oughts” as part of a shared cultural practice.

So although this does not show that Kant is wrong, it does throw down a challenge to him. That is, we need independent reasons to think that the categorical nature of moral “oughts” are based on reason and not just part of a shared cultural practice. To respond to this challenge, the Kantian would have to put forward the argument that in the particular case of moral “oughts”, we have a good argument to ground the categorical nature in reason rather than institutional practices.

Problems and Responses: The Domain of Morality

Kant thinks that the domain of morality is merely the domain of reasons and as far as we are agents who can reason then we have duties and rights and people ought to treat us with dignity. The flip side of this is that non-rational agents, such as non-human animals, do not have rights and we can, according to Kant, treat them as we like!

The challenge to Kant’s theory is that the scope of morality seems bigger than the scope of reasons. People do think that we have moral obligations toward non-rational agents. Consider someone kicking a cat. We might think that morally they ought not to do this. However, Kant’s theory does not back this up because, as far as we know, cats are not rational agents. Despite it not being wrong to treat animals in this way, Kant still thinks that we should not, because if we did, then we would be more likely to treat humans in this way.

Summary

Kant’s moral theory is extremely complicated and badly expressed. However, it is hugely influential and profound. As a system builder Kant’s work starts with rational reflection from which he attempts to develop a complete moral system.

He starts from the notion of duty. He shows that what allows us to act for the sake of duty is the good will, and that the good will is unconditionally good. If we want to act for the sake of duty we need to act out of respect for the moral law and this amounts to following the Categorical Imperative. Kant argues that in following the Categorical Imperative, agents will converge on what is morally permissible. Hence Kant can talk about absolute and objective moral truths.

Common Student Mistakes

- Confusing acting in accordance with duty and acting for the sake of duty.

- Thinking that Kant's theory has no room for emotions.
- Thinking that Kant's Categorical Imperative can be summed up in the question: "how would you like it if everyone did that"?
- Thinking that the Categorical Imperative is a form of Utilitarianism.
- Thinking Kant believes you can never treat someone as a means to an end.

Topics of Discussion

1. Think about your life. Do you think there are things you "ought to do"?
2. Do you think that there are things you ought to do irrespective of your desires and inclinations?
3. What are Categorical and Hypothetical Imperatives? Do you think that rules of etiquette are categorical or hypothetical?
4. How might Kant respond to the SS officer example?
5. Can you think of some examples where you might be treating someone solely as means-to-an-end?
6. Would capital punishment pass the CI-2 test?
7. How might CI-2 relate to prostitution? Do you think that Kant would say that it is morally permissible?
8. Why might Kant's theory be well placed to respect people's rights?
9. Do you think we have any moral obligations towards animals? What would Kant say?
10. What role do you think intuitions should have in assessing moral theories?

Key Terminology

- A priori
- Categorical Imperative

- Deontological
- Duty
- Egalitarian
- Good will
- Hypothetical Imperative
- Maxim
- Rationalist
- Rights

Notes and References

Media Attributions

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Notes

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ARISTOTELIAN VIRTUE ETHICS

Andrew Fisher and Mark Dimmock

To seek virtue for the sake of reward is to dig for iron with a spade of gold.

– Ivan Panin¹

Aristotelian Virtue Ethics Introduction

Aristotle (384–322 BC) was a scholar in disciplines such as ethics, metaphysics, biology and botany, among others. It is fitting, therefore, that his moral philosophy is based around assessing the broad characters of human beings rather than assessing singular acts in isolation. Indeed, this is what separates Aristotelian Virtue Ethics from both Utilitarianism and Kantian Ethics.

The Function Argument

Aristotle was a teleologist, a term related to, but not to be confused with, the label “teleological” as applied to normative ethical theories such as Utilitarianism. Aristotle was a **teleologist** because he believed that every object has what he referred to as a final cause. The Greek term **telos** refers to what we might call a purpose, goal, end or true final function of an object. Indeed, those of you studying Aristotle in units related to the Philosophy of Religion may recognize the link between Aristotle’s general teleological worldview and his study of ethics.

Aristotle claims that “...for all things that have a function or activity, the good and the ‘well’ is thought to reside in the function”.² Aristotle’s claim is essentially that in achieving its function, goal or end, an object achieves its own good. Every object has this type of a true function and so every object has a way of achieving goodness. The telos of a chair, for example, may be to provide a seat and a chair is a good chair when it supports the curvature of the human bottom without collapsing under the strain. Equally, says Aristotle, what makes good sculptors, artists and flautists is the successful and appropriate performance of their functions as sculptors, artists and flautists.

This teleological (function and purpose) based worldview is the necessary backdrop to understanding Aristotle’s ethical reasoning. For, just as a chair has a true function or end, so Aristotle believes human beings have a telos. Aristotle identifies what the good for a human being is in virtue of working out what the function of a human being is, as per his Function Argument.

Function Argument

1. All objects have a telos.
2. An object is good when it properly secures its telos.

Given the above, hopefully these steps of the argument are clear so far. At this point, Aristotle directs his thinking towards human beings specifically.

3. The telos of a human being is to reason.
4. The good for a human being is, therefore, acting in accordance with reason.

In working out our true function, Aristotle looks to that feature that separates humanity from other living animals. According to Aristotle, what separates humankind from the rest of the world is our ability not only to reason but to act on reasons. Thus, just as the function of a chair can be derived from its uniquely differentiating characteristic, so the function of a human being is related to our uniquely differentiating characteristic and we achieve the good when we act in accordance with this true function or telos.

The notion that humanity has a true function may sound odd, particularly if you do not have a religious worldview of your own. However, to you especially Aristotle wrote that “...as eye, hand, foot and in general each of the parts evidently has a function, may one lay it down that man similarly has a function apart from all these?”³

On the basis that we would ascribe a function to our constituent parts — we know what makes a good kidney for example — so too Aristotle thinks it far from unreasonable that we have a function as a whole. Indeed, this may be plausible if we consider other objects. The component parts of a car, for example, have individual functions but a car itself, as a whole, has its own function that determines whether or not it is a good car.

Aristotelian Goodness

On the basis of the previous argument, the good life for a human being is achieved when we act in accordance with our telos. However, rather than leaving the concept of goodness as general and abstract we can say more specifically what the good for a human involves. Aristotle uses the Greek term *eudaimonia* to capture the state that we experience if we fully achieve a good life. According to Aristotle, *eudaimonia* is the state that all humans should aim for as it is the aim and end of human existence. To reach this state, we must ourselves act in accordance with reason. Properly understanding what Aristotle means by *eudaimonia* is crucial to understanding his Virtue Ethical moral position.

Eudaimonia has been variously translated and no perfect translation has yet been identified. While all translations have their own issues, *eudaimonia* understood as flourishing is perhaps the most helpful translation and improves upon a simple translation of happiness. The following example may make this clearer.

Naomi is an extremely talented pianist. Some days, she plays music that simply makes her happy, perhaps the tune from the television soap opera “Neighbors” or a rendition of “Twinkle, Twinkle Little Star”. On other days, she plays complex music such as the supremely difficult Chopin-Godowsky Études. These performances may also make Naomi happy, but she seems to be flourishing as a pianist only with the latter performances rather than the former. If we use the language of function, both performances make Naomi happy but she fulfils her function as a pianist (and is a good pianist) only when she flourishes with the works of greater complexity.

Flourishing in life may make us happy but happiness itself is not necessarily well aligned with acting in accordance with our telos. Perhaps, if we prefer the term happiness as a translation for *eudaimonia* we mean really or truly happy, but it may be easier to stay with the understanding of *eudaimonia* as flourishing when describing the state of acting in accordance with our true function.

Aristotle concludes that a life is *eudaimon* (adjective of *eudaimonia*) when it involves “...the active exercise of the mind in conformity with perfect goodness or virtue”.⁴ *Eudaimonia* is secured not as the result exercising of our physical or animalistic qualities but as the result of the exercise of our distinctly human rational and cognitive aspects.

Eudaimonia and Virtue

The quotation provided at the end of section three was the first direct reference to virtue in the explanatory sections of this chapter. With Aristotle’s theoretical presuppositions now laid out, we can begin to properly explain and evaluate his conception of the virtues and their link to moral thinking.

According to Aristotle, virtues are character dispositions or personality traits. This focus on

our dispositions and our character, rather than our actions in isolation, is what earns Aristotelian Virtue Ethics the label of being an agent-centered moral theory rather than an act-centered moral theory.

Act-Centered Moral Theories

Utilitarianism and Kantian Ethics are two different examples of act-centered moral theories due to their focus on actions when it comes to making moral assessments and judgments. Act-centered moral theories may be teleological or deontological, absolutist or relativist, but they share a common worldview in that particular actions are bearers of moral value — either being right or wrong.

Agent-Centered Moral Theories

Aristotelian Virtue Ethics is an agent-centered theory in virtue of a primary focus on people and their characters rather than singular actions. For Aristotle, morality has more to do with the question “how should I be?” rather than “what should I do?” If we answer the first question then, as we see later in this chapter, the second question may begin to take care of itself. When explaining and evaluating Aristotelian Virtue Ethics you must keep in mind this focus on character rather than specific comments on the morality of actions.

Aristotle refers to virtues as character traits or psychological dispositions. Virtues are those particular dispositions that are appropriately related to the situation and, to link back to our function, encourage actions that are in accordance with reason. Again, a more concrete example will make clear how Aristotle identifies virtues in practice.

All of us, at one time or another, experience feelings of anger. For example, I may become angry when my step-son thoughtlessly eats through the remaining crisps without saving any for others, or he may feel anger when he has to wait an extra minute or two to be picked up at work because his step-father is juggling twenty-six different tasks and momentarily loses track of time (how totally unfair of him...). Anyway, as I was saying, back to Aristotle, “Anyone can become angry — that is easy. But to be angry with the right person, to the right degree, at the right time, for the right purpose, and in the right way — that is not easy”.⁵

For Aristotle, virtue is not a feeling itself but an appropriate psychological disposition in response to that feeling; the proper response. The correct response to a feeling is described as acting on the basis of the Golden Mean, a response that is neither excessive nor deficient. The table below makes this more apparent.

Feeling/Emotion	Vice of Deficiency	Virtuous Disposition (Golden Mean)	Vice of Excess
Anger	Lack of spirit	Patience	Irascibility
Shame	Shyness	Modesty	Shamefulness
Fear	Cowardice	Courage	Rashness
Indignation	Spitefulness	Righteousness	Envy

Anger is a feeling and therefore is neither a virtue nor a vice. However, the correct response to anger — the Golden Mean between two extremes — is patience, rather than a lack of spirit or irascibility. Virtues are not feelings, but characteristic dispositional responses that, when viewed holistically, define our characters and who we are.

The Golden Mean ought not to be viewed as suggesting that a virtuous disposition is always one that gives rise to a “middling” action. If someone puts their life on the line, when unarmed, in an attempt to stop a would-be terrorist attack, then their action may be rash rather than courageous. However, if armed with a heavy, blunt instrument their life-risking action may be courageously virtuous rather than rash. The Golden Mean is not to be understood as suggesting that we always act somewhere between complete inaction and breathless exuberance, but as suggesting that we act between the vices of excess and deficiency; such action may well involve extreme courage or exceptional patience.

In addition to feelings, Aristotle also suggests that we may virtuously respond to situations. He suggests the following examples.

Feeling/Emotion	Vice of Deficiency	Virtuous Disposition (Golden Mean)	Vice of Excess
Social conduct	Cantankerousness	Friendliness	Self-serving flattery
Conversation	Boorishness	Wittiness	Buffoonery
Giving money	Stinginess	Generosity	Profligacy

We must keep in mind the agent-centered nature of Aristotelian Virtue Ethics when considering these examples. A person does not cease to have a witty disposition in virtue of a single joke that might err on the side of buffoonery, or cease to be generous because they fail to donate to charity on one occasion. Our psychological dispositions, virtuous or not, are only to be assessed by judgment of a person’s general character and observation over more than single-act situations. If we act in accordance with reason and fulfil our function as human beings, our behavior will generally reflect our virtuous personality traits and dispositions.

Developing the Virtues

In a quote widely attributed to Aristotle, Will Durrant (1885–1981) sums up the Aristotelian view by saying that “...we are what we repeatedly do. Excellence, then, is not an act but a

habit”.⁶ It is fairly obvious that we cannot become excellent at something overnight. Making progress in any endeavor is always a journey that requires both effort and practice over time. Aristotle holds that the same is true for human beings attempting to develop their virtuous character traits in attempt to live the good life. You may feel yourself coming to an Aristotelian Virtue Ethical view after reading this chapter and therefore be moved to become wittier, more courageous and more generous but you cannot simply acquire these traits by decision; rather, you must live these traits in order to develop them.

Cultivating a virtuous character is something that happens by practice. Aristotle compares the development of the skill of virtue to the development of other skills. He says that “...men become builders by building” and “... we become just by doing just acts”.⁷ We might know that a brick must go into a particular place but we are good builders only when we know how to place that brick properly. Building requires practical skill and not merely intellectual knowledge and the same applies to developing virtuous character traits. Ethical characters are developed by practical learning and habitual action and not merely by intellectual teaching.

In the end, the virtuous individual will become comfortable in responding to feelings/situations virtuously just as the good builder becomes comfortable responding to the sight of various tools and a set of plans. A skilled builder will not need abstract reflection when it comes to knowing how to build a wall properly, and nor will a skilled cyclist need abstract reflection on how to balance his speed correctly as he goes around a corner.

Analogously, a person skilled in the virtues will not need abstract reflection when faced with a situation in which friendliness and generosity are possibilities; they will simply know on a more intuitive level how to act. This is not to say that builders, cyclists and virtuous people will not sometimes need to reflect specifically on what to do in abnormal or difficult situations (e.g. moral dilemmas, in the case of ethics) but in normal situations appropriate responses will be natural for those who are properly skilled.

It is the need to become skilled when developing virtuous character traits that leads Aristotle to suggest that becoming virtuous will require a lifetime of work. Putting up a single bookshelf does not make you a skilled builder any more than a single act of courage makes you a courageous and virtuous person. It is the repetition of skill that determines your status and the development of virtuous characters requires a lifetime of work rather than a single week at a Virtue Ethics Bootcamp.

Practical Wisdom (Phronesis)

Aristotle does offer some specifics regarding how exactly we might, to use a depressingly modern phrase, “upskill” in order to become more virtuous. Aristotle suggests that the aim of an action will be made clear by the relevant virtuous characteristic as revealed by the Golden Mean; for example, our aim in a situation may be to respond courageously or generously. It

is by developing our skill of **practical wisdom** (translation of “phronesis”) that we become better at ascertaining what exactly courage or generosity amounts to in a specific situation and how exactly we might achieve it.

By developing the skill of practical wisdom, we can properly put our virtuous character traits into practice. For the Aristotelian, practical wisdom may actually be the most important virtuous disposition or character trait to develop as without the skill of practical wisdom it may be difficult to actually practice actions that are witty rather than boorish, or courageous rather than cowardly. Imagine trying to be a philosopher without an acute sense of logical reasoning; you would struggle because this seems to be a foundational good on which other philosophical skills rely. So too it may be with the virtues, practical wisdom supports our instinctive knowledge of how to respond virtuously to various feelings, emotions and situations.

If this still seems to be somewhat opaque, then we may develop our sense of practical wisdom by looking at the actions of others who we do take to be virtuous. A child, for example, will most certainly need to learn how to be virtuous by following examples of others. If we are unsure in our own ability to discern what a courageous response in a given situation is, then we may be guided by the behavior of Socrates, Jesus, Gandhi, Mandela or King, as examples. If we learn from the wisdom and virtue of others, then just as a building apprentice learns from a master so too virtue apprentices can learn from those more skilled than they in practicing virtue. Hopefully, such virtue apprentices will eventually reach a point where they can stand on their own two feet, with their personally developed sense of practical wisdom.

Voluntary Actions, Involuntary Actions and Moral Responsibility

Despite the focus on agents and not actions, Aristotle does have something to contribute when it comes to discussions of potential moral responsibility as associated with particular actions. We can separate actions into two obvious categories:

1. Voluntary actions
2. Involuntary actions

Very broadly, an action is voluntary when it is freely chosen and involuntary when it is not — these terms are more precisely defined next, in line with Aristotle’s ideas. These distinctions matter in ethics because a person might be held to be morally responsible for their voluntary actions but not for their involuntary actions. According to Aristotle, an action is voluntary unless it is affected by force or ignorance, as understood in the following ways.

Physical Force

Imagine that Reuben is driving his car on his way home from work. Out of the blue, his passenger grabs his hand and forces him to turn the steering wheel, sending the car into oncom-

ing traffic. Without this physical force, Reuben would not have turned the wheel and he very much regrets the damage that is caused. According to Aristotle, Reuben's action is involuntary because of this external physical force and so he is not morally responsible for the crash.

Psychological Force

Think of David, working at a bank when a group of thieves break in armed with guns. David is told that if he does not open the safe then he will be killed. Under this extreme psychological pressure, Aristotle would accept that David's opening of the safe is involuntary, because David would not have opened the safe otherwise and he very much regrets doing so. On this basis, David is not morally responsible in any way for the theft.

In addition to force, ignorance of a certain type can also support an action being labelled as involuntary.

Action from Ignorance

Rhys, a talented musician, wishes to perform a surprise concert for a friend and has been practicing songs from the Barry Manilow back catalogue for weeks. However, in the days before the surprise concert his friend, unbeknown to Rhys, develops an intense and very personal dislike for Manilow. Thus, when Rhys takes to the stage and blasts out his rendition of the classic tune "Copacabana" his friend storms off in much distress. In this situation, Aristotle would accept that Rhys acted involuntarily when causing offence because he was unaware of the changed circumstances; he acted from ignorance when performing the song rather than from malice. Without this epistemic (or knowledge-related) barrier, Rhys would not have acted as he did and he very much regrets the distress caused. For these reasons, Rhys bears no moral responsibility for the upset resulting from his song choice.

Crucially, Aristotle does not allow that all action that involves ignorance can be classed as involuntary, thereby blocking associated claims of moral responsibility.

Action in Ignorance

Laurence has had too much to drink and chooses to climb a traffic light with a traffic cone on his head. Laurence's alcohol consumption has made him ignorant, at least temporarily, of the consequences of this action in terms of social relationships, employment and police action. However, for Aristotle this would not mean that his action was involuntary because Laurence acts in ignorance rather than from ignorance due to an external epistemic (or knowledge-based) barrier. Laurence does not, therefore, escape moral responsibility as a result of his self-created ignorance.

Finally, Aristotle also identifies a third form of action — non-voluntary action — that is also related to ignorant action.

Action from Ignorance with No Regret

Return to the case of Rhys and his Manilow performance but remove any sense of regret on Rhys' part for the distress caused. If, at the moment that the epistemic gap is bridged and Rhys learns of his friend's newly acquired musical views, he feels no regret for his action, then Aristotle would class it as a non-voluntary rather than involuntary action. The action cannot be voluntary as Rhys acted from ignorance, but it is not obviously involuntary as, without a sense of regret, it may have been that Rhys would have performed the action even if he knew what was going to happen.

The detail above is important and your own examples will help your understanding and explanations. The summary, however, is refreshingly simple. If an action is voluntary, then it is completed free from force and ignorance and we can hold the actor morally responsible. However, if the action is involuntary then the actor is not morally responsible as they act on the basis of force or from ignorance.

Objections to Virtue Ethics and Responses

Objection: Unclear Guidance

Consider yourself caught in the middle of a moral dilemma. Wanting to know what to do you may consult the guidance offered by Utilitarianism or Kantian Ethics and discover that various specific actions you could undertake are morally right or morally wrong. Moving to seek the advice of Aristotelian Virtue Ethics, you may find cold comfort from suggestions that you act generously, patiently and modestly whilst avoiding self-serving flattery and envy. Rather than knowing how to live in general, you may seek knowledge of what to actually do in this case. Virtue Ethics may therefore be accused of being a theory, not of helpful moral guidance, but of unhelpful and non-specific moral platitudes.

In response, the virtue ethicist may remind us that we can learn how to act from considering how truly virtuous people might respond in this situation, but this response raises its own worry — how can we identify who is virtuous, or apply their actions to a potentially novel situation? Although a defender of Virtue Ethics, Rosalind Hursthouse (1943–) gives a voice to this common objection, putting forward the worry directly by saying that “Virtue Ethics does not, because it cannot, tell us what we should do... It gives us no guidance whatsoever. Who are the virtuous agents [that we should look to for guidance]?”⁸ If all the virtue ethicist can offer to a person wondering how to act — perhaps wondering whether or not to report a friend to the police, or whether or not to change careers to work in the charity sector — is “look to the moral exemplars of Socrates and Gandhi and how they would act in this situation”, then we might well sympathize with the objector since very often our moral dilemmas are new situations, not merely old ones repeated. Asking “what would Jesus do”, if we deem Jesus to be a morally virtuous role model, might not seem very helpful for an MP trying to determine whether or not to vote for an increase in subsidies for renewable energy technolo-

gies at huge expense, and potential financial risk, to the tax-payer (to take a deliberately specific example).

Despite her statement of the objection, Hursthouse thinks that this is an unfair characterization of Virtue Ethics. Hursthouse suggests that Virtue Ethics provides guidance in the form of “v-rules”. These are guiding rules of the form “do what is honest” or “avoid what is envious”.⁹ These rules may not be specific, but they do stand as guidance across lots of different moral situations. Whether or not you believe that this level of guidance is suitable for a normative moral theory is a judgment that you should make yourself and then defend.

Objection: Clashing Virtues

Related to the general objection from lack of guidance, a developed objection may question how we are supposed to cope with situations in which virtues seem to clash. Courageous behaviour may, in certain cases, mean a lack of friendliness; generosity may threaten modesty. In these situations, the suggestion to “be virtuous” may again seem to be unhelpfully vague.

To this particular objection, the Aristotelian virtue ethicist can invoke the concept of practical wisdom and suggest that the skilled and virtuous person will appropriately respond to complex moral situations. A Formula One car, for example, will be good when it has both raw speed and delicate handling and it is up to the skilled engineer to steer a path between these two virtues. So too a person with practical wisdom can steer a path between apparently clashing virtues in any given situation. Virtue ethicists have no interest in the creation of a codified moral rule book covering all situations and instead put the onus on the skill of the virtuous person when deciding how to act. Again, whether this is a strength or weakness is for you to decide and defend.

Objection: Circularity

An entirely different objection to Aristotelian Virtue Ethics is based on a concern regarding logical circularity. According to Aristotle, the following statements seem to be correct:

1. An act is virtuous if it is an act that a virtuous person would commit in that circumstance.
2. A person is virtuous when they act in virtuous ways.

This, however, looks to be circular reasoning. If virtuous actions are understood in terms of virtuous people, but virtuous people are understood in terms of virtuous actions, then we have unhelpfully circular reasoning.

Julia Annas (1946–) responds to this apparent problem by arguing that there is nothing dangerously circular in this reasoning because it is simply a reflection of how we learn to develop our virtuous dispositions.¹⁰ Annas suggests the analogy of piano-playing:

1. Great piano playing is what great pianists do.
2. A pianist is great when he “does” great piano playing.

In this case, there does not seem to be any troubling circularity in reasoning. It is not the case that whatever a great pianist plays will be great, but rather that great pianists have the skills to make great music. So too it is with virtues, for virtuous people are not virtuous just because of their actual actions but because of who they are and how their actions are motivated. It is their skills and character traits that mean that, in practice, they provide a clear guide as to which actions are properly aligned with virtues. Thus, if we wish to decide whether or not an act is virtuous we can assess what a virtuous person would do in that circumstance, but this does not mean that what is virtuous is determined by the actions of a specifically virtuous individual. The issue is whether or not a person, with virtuous characteristics in the abstract, would actually carry that action out. Virtuous people are living and breathing concrete guides, helping us to understand the actions associated with abstract virtuous character dispositions.

Objection: Contribution to Eudaimonia

The final distinct objection to Aristotelian Virtue Ethics considered in this chapter stems from the Aristotelian claim that living virtuously will contribute to our ability to secure a eudaimon life. A challenge to this view may be based on the fact that certain dispositions may seem to be virtuous but may not actually seem to contribute to our flourishing or securing the good life.

As an example of this possible objection in practice, consider the following. Shelley is often described as generous to a fault and regularly dedicates large amounts of her time to helping others to solve problems at considerable cost, in terms of both time and effort, to herself. Working beyond the limits that can reasonably be expected of her, we may wish to describe Shelley as virtuous given her generous personality. However, by working herself so hard for others, we may wonder if Shelley is unduly limiting her own ability to flourish.

Responses to this initial statement of the objection are not hard to imagine. We may say that Shelley has either succumbed to a vice of excess and is profligate with her time rather than generous, or we may accept that she is generous rather than profligate and accept the uncomfortable conclusion and say that this virtuous character trait is helping her to flourish. This second claim may seem more plausible if we ruled out a description of Shelley wasting her time.

Still, this objection may stand up if you can envisage a situation in which someone could be properly described as rash rather than courageous or wasteful rather than generous and, because of these traits, actually be contributing to their own flourishing. You should consider your own possible cases if you seek to support this general objection.

Moral Good and Individual Good

For Aristotle, moral goodness and individual goodness may seem to be intimately linked. After all, a virtuous person will be charitable and friendly etc. and as a result of these characteristics and dispositions will both advance their own journey towards eudaimonia and make life better for others. Hedonism (which claims that pleasure is the only source of well-being — see Chapter 1), as a rival theory attempting to outline what is required for well-being, might be thought to fail because it downplays the importance of acting in accordance with reason, so hedonists do not therefore live according to their telos or true function.

Aristotle says of his ideally virtuous person that they will have a unified psychology — that their rational and non-rational psychologies will speak with one voice. On the contrary, the non-virtuous person will have a psychology in conflict between their rational and non-rational elements. In considering who has the better life from their own individual perspectives — the happy Hedonist or the Aristotelian virtuous person — you should again form your own reasoned judgment.

It is important to note, as we conclude this chapter, that Aristotle does not suggest that living a virtuous life is sufficient to guarantee a state of eudaimonia for a person. External factors such as poverty, disease or untimely death may scupper a person's advance towards eudaimonia. However, for Aristotle, being virtuous is necessary for the achievement of eudaimonia; without the development of virtues it is impossible for a person to flourish even if they avoid poverty, disease, loneliness etc.

Summary

Aristotelian Virtue Ethics is very different in nature to the other act-centered normative moral theories considered in this book. Whether this, in itself, is a virtue or a vice is an issue for your own judgment. The lack of a codified and fixed moral rule book is something many view as a flaw, while others perceive it as the key strength of the theory. Some, meanwhile, will feel uncomfortable with Aristotle's teleological claims, differing from those who are happy to accept that there is an objectively good life that is possible for human beings. Regardless, there is little doubt that Aristotelian Virtue Ethics offers a distinct normative moral picture and that it is a theory worthy of your reflections.

Common Student Mistakes

Understanding virtues as feelings.

Misunderstanding the function of a human being (eudaimonia).

Thinking that the Golden Mean always suggests "neutral" or "middling" actions.

Incorrect differentiation between voluntary, involuntary and non- voluntary actions.

Claiming that Virtue Ethics offers no guidance whatsoever in moral situations.

Claiming that Virtue Ethics is uninterested in actions.

Issues to Consider

1. Who has the better life — the happy hedonist or the virtuous individual?
2. Are the virtues fixed and absolute? Or can virtues be relative to culture and time?
3. Is becoming moral a skill? Is morality based on "knowing that" or "knowing how"?
4. Can Virtue Ethics offer useful guidance?
5. Is the Golden Mean a useful way of working out virtuous characteristics?
6. Are some virtues more important than others? Why?
7. Can you think of a virtue that does not contribute to eudaimonia?
8. Can you think of something that contributes to eudaimonia that is not a virtue?
9. If there is no purpose to life, is there any point in subscribing to Aristotelian Virtue Ethics?
10. What should you do if virtues seem to clash when faced with different possible actions?
11. Who might count as virtuous role models and why?
12. Do human beings have a telos or proper function?

Key Terminology

Act-centered

Agent-centered

Dispositions

Eudaimonia

Phronesis

Virtue

Telos

Golden mean

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PART II - READINGS IN ETHICS

This part is composed of various primary texts that deal with ethics.

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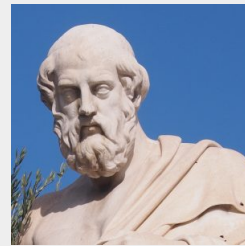
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THE RING OF GYGES

Plato

The selection below is taken from [Book II of *The Republic*](#), circa 360 BCE. Here, Plato (424-348 BCE) is speaking through Glaucon, who is addressing Socrates on the topic of the nature of human beings, justice, and society. The real Glaucon is Plato's older brother and Plato uses the character to represent the position that justice is an empty category and that we should focus upon our personal outcomes as a guide to action. Glaucon first describes the fable of the Ring of Gyges, a magical ring that turns the wearer invisible. This is used to illustrate our true nature of people as fundamentally selfish.



Statue of Plato by Leonidas Drosis.

Working from this proposition, Glaucon then discusses the nature of justice in society and prescribes how the just and unjust person should act.

...They say that to do injustice is, by nature, good; to suffer injustice, evil; but that the evil is greater than the good. And so when men have both done and suffered injustice and have had experience of both, not being able to avoid the one and obtain the other, they think that they had better agree among themselves to have neither; hence there arise laws and mutual covenants; and that which is ordained by law is termed by them lawful and just. This they affirm to be the origin and nature of justice; –it is a mean or compromise, between the best of all, which is to do injustice and not be punished, and the worst of all, which is to suffer injustice without the power of retaliation; and justice, being at a middle point between the two, is tolerated not as a good, but as the lesser evil, and honored by reason of the inability of men to do injustice. For no man who is worthy to

be called a man would ever submit to such an agreement if he were able to resist; he would be mad if he did.

Such is the received account, Socrates, of the nature and origin of justice. Now that those who practice justice do so involuntarily and because they have not the power to be unjust will best appear if we imagine something of this kind: having given both to the just and the unjust power to do what they will, let us watch and see whither desire will lead them; then we shall discover in the very act the just and unjust man to be proceeding along the same road, following their interest, which all natures deem to be their good, and are only diverted into the path of justice by the force of law. The liberty which we are supposing may be most completely given to them in the form

of such a power as is said to have been possessed by Gyges the ancestor of Croesus the Lydian.

According to the tradition, Gyges was a shepherd in the service of the king of Lydia; there was a great storm, and an earthquake made an opening in the earth at the place where he was feeding his flock. Amazed at the sight, he descended into the opening, where, among other marvels, he beheld a hollow brazen horse, having doors, at which he stooping and looking in saw a dead body of stature, as appeared to him, more than human, and having nothing on but a gold ring; this he took from the finger of the dead and reascended.

Now the shepherds met together, according to custom, that they might send their monthly report about the flocks to the king; into their assembly he came having the ring on his finger, and as he was sitting among them he chanced to turn the collet of the ring inside his hand, when instantly he became invisible to the rest of the company and they began to speak of him as if he were no longer present. He was astonished at this, and again touching the ring he turned the collet outwards and reappeared; he made several trials of the ring, and always with the same result-when he turned the collet inwards he became invisible, when outwards he reappeared. Whereupon he contrived to be chosen one of the messengers who were sent to the court; where as soon as he arrived he seduced the queen, and with her help conspired against the king and slew him, and took the kingdom.

Suppose now that there were two such magic rings, and the just put on one of them and the unjust the other; no man can be imagined to be of such an iron nature that he would stand fast in justice. No man would keep his hands off what was not his own when he could safely take what he liked out of the market, or go into houses and lie with any one at his pleasure, or kill or release from prison whom he would, and in all respects be like a God among men. Then the actions of the just would be as the actions of the unjust; they would both come at last to the same point. And this we may truly affirm to be a great proof that a man is just, not willingly or because he thinks that justice is any good to him individually, but of necessity, for wherever any one thinks that he can safely be unjust, there he is unjust.

For all men believe in their hearts that injustice is far more profitable to the individual than justice, and he who argues as I have been supposing, will say that they are right. If you could imagine any

one obtaining this power of becoming invisible, and never doing any wrong or touching what was another's, he would be thought by the lookers-on to be a most wretched idiot, although they would praise him to one another's faces, and keep up appearances with one another from a fear that they too might suffer injustice. Enough of this.

Now, if we are to form a real judgment of the life of the just and unjust, we must isolate them; there is no other way; and how is the isolation to be effected? I answer: Let the unjust man be entirely unjust, and the just man entirely just; nothing is to be taken away from either of them, and both are to be perfectly furnished for the work of their respective lives.

First, let the unjust be like other distinguished masters of craft; like the skillful pilot or physician, who knows intuitively his own powers and keeps within their limits, and who, if he fails at any point, is able to recover himself. So let the unjust make his unjust attempts in the right way, and lie hidden if he means to be great in his injustice (he who is found out is nobody): for the highest reach of injustice is: to be deemed just when you are not.

Therefore I say that in the perfectly unjust man we must assume the most perfect injustice; there is to be no deduction, but we must allow him, while doing the most unjust acts, to have acquired the greatest reputation for justice. If he have taken a false step he must be able to recover himself; he must be one who can speak with effect, if any of his deeds come to light, and who can force his way where force is required his courage and strength, and command of money and friends.

And at his side let us place the just man in his nobleness and simplicity, wishing, as Aeschylus says, to be and not to seem good. There must be no seeming, for if he seem to be just he will be honored and rewarded, and then we shall not know whether he is just for the sake of justice or for the sake of honors and rewards; therefore, let him be clothed in justice only, and have no other covering; and he must be imagined in a state of life the opposite of the former. Let him be the best of men, and let him be thought the worst; then he will have been put to the proof; and we shall see whether he will be affected by the fear of infamy and its consequences. And let him continue thus to the hour of death; being just and seeming to be unjust. When both have reached the uttermost extreme, the one of justice and the other of injustice, let judgment be given which of them is the happier of the two...

Questions for Discussion

1. If you were to obtain the ring, what would you really do? Consider both the first week as well as 5 years from now.
2. Does this account by Glaucon explain why most people act justly? Is this true for you and those you know?
3. What are the merits and problems with the claim that the unjust should remain unjust and the just should remain just?
4. Can we speak of justice and injustice apart from society?
5. Is Glaucon's account of human nature and origins of society a helpful or unhelpful model?

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Plato. "Ring of Gyges." In *Plato in Twelve Volumes*, Vols 5 and 61, edited by Paul Shorey, Section 357a-361d. Cambridge, MA: Harvard University Press, 1969.

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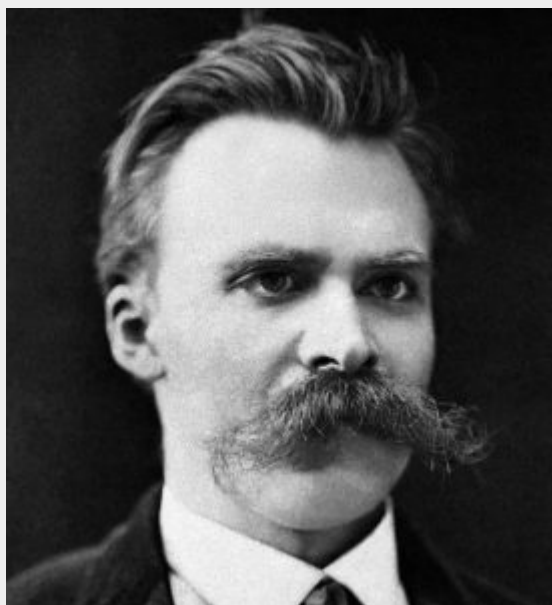
SLAVE AND MASTER MORALITY

Friedrich Nietzsche

In *Beyond Good and Evil*, Nietzsche (1844-1900 CE) detects two types of morality mixed not only in higher civilization but also in the psychology of the individual.

Master-morality values power, nobility, and independence: it stands "beyond good and evil." Slave-morality values sympathy, kindness, and humility and is regarded by Nietzsche as "herd-morality."

The history of society, Nietzsche believes, is the conflict between these two outlooks: the herd attempts to impose its values universally, but the noble master transcends their "mediocrity."¹



Portrait of Friedrich Nietzsche, circa 1875

Origin of Aristocracy

Every elevation of the type "man," has hitherto been the work of an aristocratic society and so it will always be—a society believing in a long scale of gradations of rank and differences of worth among human beings, and requiring slavery in some form or other. Without the pathos of distance, such as grows out of the incarnated difference of classes,

out of the constant out-looking and down-looking of the ruling caste on subordinates and instruments, and out of their equally constant practice of obeying and commanding, of keeping down and keeping at a distance—that other more mysterious pathos could never have arisen, the longing for an ever new widening of distance within the soul itself, the formation of ever higher, rarer, further, more extended, more comprehensive states, in short, just the ele-

vation of the type “man,” the continued “self-surmounting of man,” to use a moral formula in a supermoral sense. To be sure, one must not resign oneself to any humanitarian illusions about the history of the origin of an aristocratic society (that is to say, of the preliminary condition for the elevation of the type “man”): the truth is hard. Let us acknowledge unprejudicedly how every higher civilization hitherto has originated! Men with a still natural nature, barbarians in every terrible sense of the word, men of prey, still in possession of unbroken strength of will and desire for power, threw themselves upon weaker, more moral, more peaceful races (perhaps trading or cattle-rearing communities), or upon old mellow civilizations in which the final vital force was flickering out in brilliant fireworks of wit and depravity. At the commencement, the noble caste was always the barbarian caste: their superiority did not consist first of all in their physical, but in their psychical power—they were more complete men (which at every point also implies the same as “more complete beasts”).

Higher Class of Being

Corruption—as the indication that anarchy threatens to break out among the instincts, and that the foundation of the emotions, called “life,” is convulsed—is something radically different according to the organization in which it manifests itself. When, for instance, an aristocracy like that of France at the beginning of the Revolution, flung away its privileges with sublime disgust and sacrificed itself to an excess of its moral sentiments, it was corruption:—it was really only the closing act of the corruption which had existed for centuries, by virtue of which that aristocracy had abdicated step by step its lordly prerogatives and lowered itself to a function of royalty (in the end even to its decoration and parade-dress). The essential thing, however, in a good and healthy aristocracy is that it should not regard itself as a function either of the kingship or the commonwealth, but as the significance highest justification thereof—that it should therefore accept with a good conscience the sacrifice of a legion of individuals, who, for its sake, must be suppressed and reduced to imperfect men, to slaves and instruments. Its fundamental belief must be precisely that society is not allowed to exist for its own sake, but only as a foundation and scaffolding, by means of which a select class of beings may be able to elevate themselves to their higher duties, and in general to a higher existence: like those sun-seeking climbing plants in Java—they are called *Sipo Matador*,—which encircle an oak so long and so often with their arms, until at last, high above it, but supported by it, they can

unfold their tops in the open light, and exhibit their happiness.

Life Denial

To refrain mutually from injury, from violence, from exploitation, and put one’s will on a par with that of others: this may result in a certain rough sense in good conduct among individuals when the necessary conditions are given (namely, the actual similarity of the individuals in amount of force and degree of worth, and their co-relation within one organization). As soon, however, as one wished to take this principle more generally, and if possible even as the fundamental principle of society, it would immediately disclose what it really is—namely, a Will to the denial of life, a principle of dissolution and decay.

Here one must think profoundly to the very basis and resist all sentimental weakness: life itself is essentially appropriation, injury, conquest of the strange and weak, suppression, severity, obtrusion of peculiar forms, incorporation, and at the least, putting it mildest, exploitation;—but why should one for ever use precisely these words on which for ages a disparaging purpose has been stamped?

Even the organization within which, as was previously supposed, the individuals treat each other as equal—it takes place in every healthy aristocracy—must itself, if it be a living and not a dying organization, do all that towards other bodies, which the individuals within it refrain from doing to each other it will have to be the incarnated Will to Power, it will endeavor to grow, to gain ground, attract to itself and acquire ascendancy—not owing to any morality or immorality, but because it lives, and because life is precisely Will to Power. On no point, however, is the ordinary consciousness of Europeans more unwilling to be corrected than on this matter, people now rave everywhere, even under the guise of science, about coming conditions of society in which “the exploiting character” is to be absent—that sounds to my ears as if they promised to invent a mode of life which should refrain from all organic functions.

“Exploitation” does not belong to a depraved, or imperfect and primitive society it belongs to the nature of the living being as a primary organic function, it is a consequence of the intrinsic Will to Power, which is precisely the Will to Life—Granting that as a theory this is a novelty—as a reality it is the fundamental fact of all history let us be so far honest towards ourselves!

Master Morality

In a tour through the many finer and coarser moralities which have hitherto prevailed or still prevail on the earth, I found certain traits recurring regularly together, and connected with one another, until finally two primary types revealed themselves to me, and a radical distinction was brought to light.

There is master-morality and slave-morality,—I would at once add, however, that in all higher and mixed civilizations, there are also attempts at the reconciliation of the two moralities, but one finds still oftener the confusion and mutual misunderstanding of them, indeed sometimes their close juxtaposition—even in the same man, within one soul. The distinctions of moral values have either originated in a ruling caste, pleasantly conscious of being different from the ruled—or among the ruled class, the slaves and dependents of all sorts.

In the first case, when it is the rulers who determine the conception “good,” it is the exalted, proud disposition which is regarded as the distinguishing feature, and that which determines the order of rank. The noble type of man separates from himself the beings in whom the opposite of this exalted, proud disposition displays itself he despises them. Let it at once be noted that in this first kind of morality the antithesis “good” and “bad” means practically the same as “noble” and “despicable”,—the antithesis “good” and “evil” is of a different origin. The cowardly, the timid, the insignificant, and those thinking merely of narrow utility are despised; moreover, also, the distrustful, with their constrained glances, the self-abasing, the dog-like kind of men who let themselves be abused, the mendicant flatterers, and above all the liars:—it is a fundamental belief of all aristocrats that the common people are untruthful. “We truthful ones”—the nobility in ancient Greece called themselves.

It is obvious that everywhere the designations of moral value were at first applied to men; and were only derivatively and at a later period applied to actions; it is a gross mistake, therefore, when historians of morals start with questions like, “Why have sympathetic actions been praised?” The noble type of man regards himself as a determiner of values; he does not require to be approved of; he passes the judgment: What is injurious to me is injurious in itself; he knows that it is he himself only who confers honor on things; he is a creator of values. He honors whatever he recognizes in himself: such morality equals self-glorification. In the foreground there is the feeling of plenitude, of power, which seeks to overflow, the happiness of high tension, the consciousness of a wealth which would fain give and

bestow:—the noble man also helps the unfortunate, but not—or scarcely—out of pity, but rather from an impulse generated by the superabundance of power. The noble man honors in himself the powerful one, him also who has power over himself, who knows how to speak and how to keep silence, who takes pleasure in subjecting himself to severity and hardness, and has reverence for all that is severe and hard. “Wotan placed a hard heart in my breast,” says an old Scandinavian Saga: it is thus rightly expressed from the soul of a proud Viking. Such a type of man is even proud of not being made for sympathy; the hero of the Saga therefore adds warningly: “He who has not a hard heart when young, will never have one.” The noble and brave who think thus are the furthest removed from the morality which sees precisely in sympathy, or in acting for the good of others, or in *dèintèressement*, the characteristic of the moral; faith in oneself, pride in oneself, a radical enmity and irony towards “selflessness,” belong as definitely to noble morality, as do a careless scorn and precaution in presence of sympathy and the “warm heart.”

It is the powerful who know how to honour, it is their art, their domain for invention. The profound reverence for age and for tradition—all law rests on this double reverence,—the belief and prejudice in favor of ancestors and unfavorable to newcomers, is typical in the morality of the powerful; and if, reversely, men of “modern ideas” believe almost instinctively in “progress” and the “future,” and are more and more lacking in respect for old age, the ignoble origin of these “ideas” has complacently betrayed itself thereby.

A morality of the ruling class, however, is more especially foreign and irritating to present-day taste in the sternness of its principle that one has duties only to one’s equals; that one may act towards beings of a lower rank, towards all that is foreign, just as seems good to one, or “as the heart desires,” and in any case “beyond good and evil”: it is here that sympathy and similar sentiments can have a place. The ability and obligation to exercise prolonged gratitude and prolonged revenge—both only within the circle of equals,—artfulness in retaliation, refinement of the idea in friendship, a certain necessity to have enemies (as outlets for the emotions of envy, quarrelsomeness, arrogance—in fact, in order to be a good friend): all these are typical characteristics of the noble morality, which, as has been pointed out, is not the morality of “modern ideas,” and is therefore at present difficult to realize, and also to unearth and disclose.

Slave Morality

It is otherwise with the second type of morality, slave-morality. Supposing that the abused, the oppressed, the suffering, the unemancipated, the weary, and those uncertain of themselves should moralize, what will be the common element in their moral estimates? Probably a pessimistic suspicion with regard to the entire situation of man will find expression, perhaps a condemnation of man, together with his situation. The slave has an unfavorable eye for the virtues of the powerful; he has a skepticism and distrust, a refinement of distrust of everything "good" that is there honored—he would fain persuade himself that the very happiness there is not genuine. On the other hand, those qualities which serve to alleviate the existence of sufferers are brought into prominence and flooded with light; it is here that sympathy, the kind, helping hand, the warm heart, patience, diligence, humility, and friendliness attain to honor; for here these are the most useful qualities, and almost the only means of supporting the burden of existence. Slave-morality is essentially the morality of utility.

Here is the seat of the origin of the famous antithesis "good" and "evil":—power and dangerousness are assumed to reside in the evil, a certain dreadfulness, subtlety, and strength, which do not admit of being despised. According to slave-morality, therefore, the "evil" man arouses fear; according to master-morality, it is precisely the "good" man who arouses fear and seeks to arouse it, while the bad man is regarded as the despicable being.

The contrast attains its maximum when, in accordance with the logical consequences of slave-morality, a shade of depreciation—it may be slight and well-intentioned—at last attaches itself to the "good" man of this morality; because, according to the servile mode of thought, the good man must in any case be the safe man: he is good-natured, easily deceived, perhaps a little stupid, un bonhomme. Everywhere that slave-morality gains the ascendancy, language shows a tendency to approximate the significations of the words "good" and "stupid."

Creation of Values

A last fundamental difference: the desire for freedom, the instinct for happiness and the refinements of the feeling of liberty belong as necessarily to slave-morals and morality, as artifice and enthusiasm in reverence and devotion are the regular symptoms of an aristocratic mode of thinking and estimating.—Hence we can understand without further detail why love as a passion—it is our European specialty—must absolutely be of noble origin; as is

well known, its invention is due to the Provencal poet-cavaliers, those brilliant, ingenious men of the "gai saber," to whom Europe owes so much, and almost owes itself.

Vanity is one of the things which are perhaps most difficult for a noble man to understand: he will be tempted to deny it, where another kind of man thinks he sees it self-evidently. The problem for him is to represent to his mind beings who seek to arouse a good opinion of themselves which they themselves do not possess—and consequently also do not "deserve,"—and who yet believe in this good opinion afterwards. This seems to him on the one hand such bad taste and so self-disrespectful, and on the other hand so grotesquely unreasonable, that he would like to consider vanity an exception, and is doubtful about it in most cases when it is spoken of.

He will say, for instance: "I may be mistaken about my value, and on the other hand may nevertheless demand that my value should be acknowledged by others precisely as I rate it:—that, however, is not vanity (but self-conceit, or, in most cases, that which is called 'humility,' and also 'modesty')." Or he will even say: "For many reasons I can delight in the good opinion of others, perhaps because I love and honour them, and rejoice in all their joys, perhaps also because their good opinion endorses and strengthens my belief in my own good opinion, perhaps because the good opinion of others, even in cases where I do not share it, is useful to me, or gives promise of usefulness:—all this, however, is not vanity."

The man of noble character must first bring it home forcibly to his mind, especially with the aid of history, that, from time immemorial, in all social strata in any way dependent, the ordinary man was only that which he passed for:—not being at all accustomed to fix values, he did not assign even to himself any other value than that which his master assigned to him (it is the peculiar right of masters to create values).

It may be looked upon as the result of an extraordinary atavism, that the ordinary man, even at present, is still always waiting for an opinion about himself, and then instinctively submitting himself to it; yet by no means only to a "good" opinion, but also to a bad and unjust one (think, for instance, of the greater part of the self-appreciations and self-depreciations which believing women learn from their confessors, and which in general the believing Christian learns from his Church).

In fact, conformably to the slow rise of the democratic social order (and its cause, the blending of the

blood of masters and slaves), the originally noble and rare impulse of the masters to assign a value to themselves and to “think well” of themselves, will now be more and more encouraged and extended; but it has at all times an older, ampler, and more radically ingrained propensity opposed to it—and in the phenomenon of “vanity” this older propensity overmasters the younger. The vain person rejoices over every good opinion which he hears about himself (quite apart from the point of view of its usefulness, and equally regardless of its truth or falsehood), just as he suffers from every bad opinion: for he subjects

himself to both, he feels himself subjected to both, by that oldest instinct of subjection which breaks forth in him.

It is “the slave” in the vain man’s blood, the remains of the slave’s craftiness—and how much of the “slave” is still left in woman, for instance!—which seeks to seduce to good opinions of itself; it is the slave, too, who immediately afterwards falls prostrate himself before these opinions, as though he had not called them forth.—And to repeat it again: vanity is an atavism.

Questions for Discussion

1. How does Nietzsche explain the origins of society? What are the essential characteristics of a healthy society?²
2. Nietzsche states that a consequence of the “Will to Power” is the exploitation of man by man, and this exploitation is the essence of life. What does he mean by this statement? Is exploitation a basic biological function of living things?
3. What does Nietzsche mean when he says that the noble type of man is “beyond good and evil” and is a creator of values?
4. Explain in some detail the differences among the master-morality and the slave-morality. Are these concepts useful in the analysis of interpersonal dynamics?
5. Explain Nietzsche’s insight into the psychology of vanity. Why is vanity essential to the slave-morality? How does it relate to the individual’s need for approval? Is Nietzsche asserting that the vanity of an individual is a direct consequence of the individual’s own sense of inferiority?
6. For questions 1-5, do you see his account helpful to explain features of today’s society or your life?

Citation and Use

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Notes

1. Introduction is taken from the Archie text.
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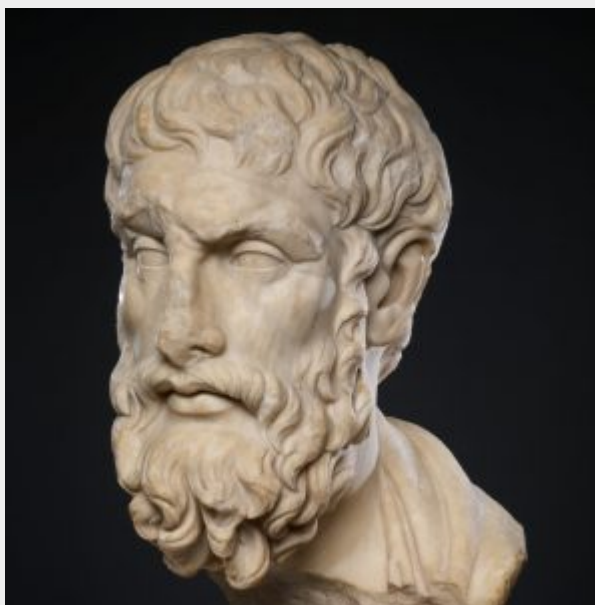
9.

LETTER TO MENOECEUS

Epicurus

Epicurus (341–270 BCE) suggests that pleasure is the sole end of beings. Morality for each individual must be the art of procuring for oneself the greatest amount of personal pleasure and avoiding as much suffering as possible.¹

Epicurus denies that the gods take interest in human affairs and therefore we should not worry about divine moral precepts. Human laws are merely those rules we agree to in order to avoid harm. Morality, for Epicurus, is not following laws or the commands of the gods, but of seeking pleasure and avoiding pain.²



Marble Bust of Epicurus, 3rd Century BCE

Epicurus to Menoeceus: Greetings.

Let no one delay to philosophize while he is young nor weary in philosophizing when he is old, for no one is either short of the age or past the age for enjoying health of the soul. And the man who says the time for philosophizing has not yet come or is already past may be compared to the man who says the time for happiness is not yet come or is already

gone by. So both the young man and the old man should philosophize, the former that while growing old he may be young in blessings because of gratitude for what has been, the latter that he may be young and old at the same time because of the fearlessness with which he faces the future. Therefore the wise plan is to practice the things that make for happiness, since possessing happiness we have

everything and not possessing it we do everything to have it.

THE GODS

Both practice and study the precepts which I continuously urged upon you, discerning these to be the A B C's of the good life. First of all, believing the divine being to be blessed and incorruptible, just as the universal idea of it is outlined in our minds, associate nothing with it that is incompatible with incorruption or alien to blessedness. And cultivate every thought concerning it that can preserve its blessedness along with incorruption. Because there are gods, for the knowledge of them is plain to see. They are not, however, such as many suppose them to be, for people do not keep their accounts of them consistent with their beliefs. And it is not the man who would abolish the gods of the multitude who is impious but the man who associates the beliefs of the multitude with the gods; for the pronouncements of the multitude concerning the gods are not innate ideas but false assumptions. According to their stories the greatest injuries and indignities are said to be inflicted upon evil men, and also benefits.

THE GODS INDIFFERENT TO WICKEDNESS

[These stories are false, because the gods], being exclusively devoted to virtues that become themselves, feel an affinity for those like themselves and regard all that is not of this kind as alien.

DEATH

Habituate yourself to the belief that death is nothing to us, because all good and evil lies in consciousness and death is the loss of consciousness. Hence a right understanding of the fact that death is nothing to us renders enjoyable the mortality of life, not by adding infinite time but by taking away the yearning for immortality, for there is nothing to be feared while living by the man who has genuinely grasped the idea that there is nothing to be feared when not living.

So the man is silly who says that he fears death, not because it will pain him when it comes, but because it pains him in prospect; for nothing that occasions no trouble when present has any right to pain us in anticipation. Therefore death, the most frightening of evils, is nothing to us, for the excellent reason that while we live it is not here and when it is here we are not living. So it is nothing either to the living or to the dead, because it is of no concern to the living and the dead are no longer.

THE INCONSISTENCY OF PEOPLE

But the multitude of men at one time shun death as the greatest of evils and at another choose death as an escape from the evils of life. The wise man, however, neither asks quarter of life nor has he any fear of not living, for he has no fault to find with life nor does he think it any evil to be out of it. Just as in the case of food, he does not always choose the largest portion but rather the most enjoyable; so with time, he does not pick the longest span of it but the most enjoyable.

And the one who bids the young man 'Live well' and the old man 'Die well' is simple-minded, not only because of the pleasure of being alive, but also for the reason that the art of living well and dying well is one and the same. And far worse is he who says: 'It were well never to have been born or having been born to have passed with all speed through the gates of Hades.' For if he is saying this out of conviction, why does he not take leave of life? Because this course is open to him if he has resolutely made up his mind to it. But if he is speaking in mockery, he is trifling in the case of things that do not countenance trifling.

THE FUTURE

As for the future, we must bear in mind that it is not quite beyond our control nor yet quite within our control, so that we must neither await it as going to be quite within our control nor despair of it as going to be quite beyond our control.

THE DESIRES

As for the desires, we should reflect that some are natural and some are imaginary; and of the natural desires some are necessary and some are natural only; and of the necessary desires some are necessary to happiness [he refers to friendship], and others to the comfort of the body [clothing and housing], and others to life itself [hunger and thirst].

Because a correct appraisal of the desires enables us to refer every decision to choose or to avoid to the test of the health of the body and the tranquility of the soul, for this is the objective of the happy life. For to this end we do everything, that we may feel neither pain nor fear. When once this boon is in our possession, every tumult of the soul is stilled, the creature having nothing to work forward to as something lacking or something additional to seek whereby the good of the soul and the body shall arrive at fullness. For only then have we need of pleasure when from the absence of pleasure we feel pain; and conversely, when we no longer feel pain we no longer feel need of pleasure.

THE BEGINNING AND THE END OF THE HAPPY LIFE

And for the following reason we say that pleasure is the beginning and the end of the happy life: because we recognize pleasure as the first good and connate with us and to this we have recourse as to a canon, judging every good by the reaction. And for the reason that pleasure is the first good and of one nature with us we do not choose every pleasure but at one time or another forgo many pleasures when a distress that will outweigh them follows in consequence of these pleasures; and many pains we believe to be preferable to pleasures when a pleasure that will outweigh them ensues for us after enduring those pains for a long time.

Therefore every pleasure is good because it is of one nature with us but every pleasure is not to be chosen; by the same reasoning every pain is an evil but every pain is not such as to be avoided at all times.

EXPEDIENCY: THE CALCULUS OF ADVANTAGE

The right procedure, however, is to weigh them against one another and to scrutinize the advantages and disadvantages; for we treat the good under certain circumstances as an evil and conversely the evil as a good.

SELF-SUFFICIENCY OR CONTENTMENT WITH LITTLE

And self-sufficiency we believe to be a great good, not that we may live on little under all circumstances but that we may be content with little when we do not have plenty, being genuinely convinced that they enjoy luxury most who feel the least need of it; that every natural appetite is easily gratified but the unnatural appetite difficult to gratify; and that plain foods bring a pleasure equal to that of a luxurious diet when all the pain originating in need has been removed; and that bread and water bring the most utter pleasure when one in need of them brings them to his lips.

Thus habituation to simple and inexpensive diets not only contributes to perfect health but also renders a man unshrinking in face of the inevitable emergencies of life; and it disposes us better toward the times of abundance that ensue after intervals of scarcity and renders us fearless in the face of Fortune. When therefore we say that pleasure is the end we do not mean the pleasures of profligates and those that consist in high living, as certain people think, either not understanding us and holding to different views or willfully misrepresenting us; but we mean freedom from pain in the body and turmoil in the soul. For it is not protracted drinking bouts

and revels nor yet sexual pleasures with boys and women nor rare dishes of fish and the rest – all the delicacies that the luxurious table bears – that beget the happy life but rather sober calculation, which searches out the reasons for every choice and avoidance and expels the false opinions, the source of most of the turmoil that seizes upon the souls of men.

THE PRACTICAL REASON

Of all these virtues the source is the practical reason, the greatest good of all – and hence more precious than philosophy itself – teaching us the impossibility of living pleasurably without living according to reason, honor, and justice, and conversely, of living according to reason, honor, and justice without living pleasurably; for the virtues are of one nature with the pleasurable life and conversely, the pleasurable life is inseparable from the virtues.

DESCRIPTION OF THE HAPPY MAN

“Because who do you think is in better case than the man who holds pious beliefs concerning the gods and is invariably fearless of death; and has included in his reckoning the end of life as ordained by Nature; and concerning the utmost of things good discerns this to be easy to enjoy to the full and easy of procurement, while the utmost of things evil is either brief in duration or brief in suffering.

He has abolished the Necessity that is introduced by some thinkers as the mistress of all things, for it were better to subscribe to the myths concerning the gods than to be a slave to the Destiny of the physicists, because the former presumes a hope of mercy through worship but the latter assumes Necessity to be inexorable.

As for Fortune, he does not assume that she is a goddess, as the multitude believes, for nothing is done at random by a god; neither does he think her a fickle cause, for he does not suppose that either good or evil is dealt out to men by her to affect life's happiness; yet he does believe the starting points for great good or evil to originate with her, thinking it better to plan well and fail than to plan badly and succeed, for in the conduct of life it profits more for good judgment to miscarry than for misjudgment to prosper by chance.

THINK ON THESE THINGS

Meditate therefore by day and by night upon these precepts and upon the others that go with these, whether by yourself or in the company of another like yourself, and never will your soul be in turmoil either sleeping or waking but you will be living like a

god among men, for in no wise does a man resemble a mortal creature who lives among immortal blessings.

Questions for Discussion

1. Why does Epicurus counsel his student to disregard the gods?
2. What is Epicurus' notion of true happiness? How does it differ from other notions of happiness from other philosophers, pop culture, your family or religion of origin, etc?
3. How should we confront the aspects of life we find unsavory?
4. What role does practical reason play in the good life for Epicurus?
5. If you were an Epicurean, how would your outlook and behaviors change?

Citation and Use

Epicurus, "Letter to Menoeceus," in *Lives of Eminent Philosophers*. Diogenes Laertius. R.D. Hicks. Cambridge. Harvard University Press. 1972 (First published 1925). 187–93, <http://www.perseus.tufts.edu/hopper/text?doc=urn:cts:greekLit:tlg0004.tlg001.perseus-eng1:10.1>.

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Notes

1. Felix Alcan, "The Morality of Epicurus and Its Relation to Contemporary Doctrines," in *La Morale d'Epicure et Ses Rapports Avec Les Doctrines Contemporaines*, trans. Mitchell Abidor, 7th Edition (Paris: Kessinger Publishing, LLC), accessed April 3, 2018, <https://www.marxists.org/archive/guyau/1878/epicurus.htm>.
2. David Konstan, "Epicurus," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta, Fall 2016 (Metaphysics Research Lab, Stanford University, 2016), <https://plato.stanford.edu/archives/fall2016/entries/epicurus/>.

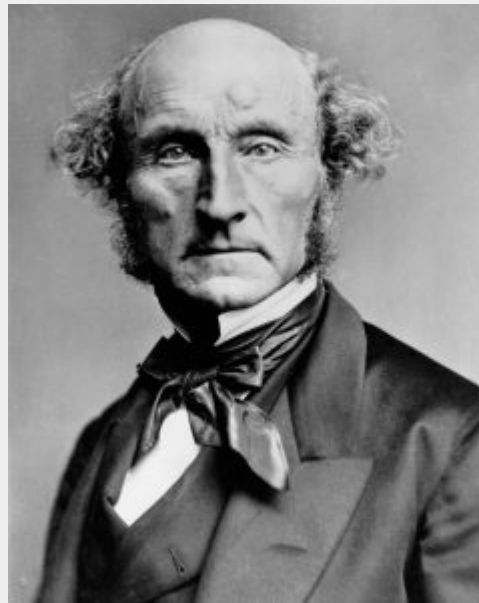
HIGHER AND LOWER PLEASURES

JS Mill

John Stewart Mill (1806-1873 CE) addresses two primary things in this text. First, he considers common objections to Utilitarianism. Secondly, he introduces a major modification from his version of consequentialism from Bentham's. For Mill, higher-order pleasures are more valuable than base, or animalistic pleasures. What sets us apart from animals is our capacity for high culture, learning, contentment, et cetera. As such, as persons, we should value those pleasures more than animalistic pleasures such as sex, eating, et cetera. He uses a famous chain of preference:

1. satisfied pig < unsatisfied fool
2. satisfied fool < unsatisfied Socrates.

It should be stressed that Mill thinks that we will arrive at this conclusion *democratically*. When given choices between types of pleasures, Mill thinks most people would usually self-select the higher-order pleasures as they lead to long-term contentment (happiness) instead of fleeting pleasure (pleasure).



John Stuart Mill by London Stereoscopic Company

The creed which accepts as the foundation of morals, Utility, or the **Greatest Happiness Principle**, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure. To give a clear view of the moral standard set up by the theory, much more requires to be said; in particular, what

things it includes in the ideas of pain and pleasure; and to what extent this is left an open question. But these supplementary explanations do not affect the theory of life on which this theory of morality is grounded namely, that pleasure, and freedom from pain, are the only things desirable as ends; and that all desirable things (which are as numerous in the utilitarian as in any other scheme) are desirable either for the pleasure inherent in themselves, or as

means to the promotion of pleasure and the prevention of pain.

Now, such a theory of life excites in many minds, and among them in some of the most estimable in feeling and purpose, inveterate dislike. To suppose that life has (as they express it) no higher end than pleasure no better and nobler object of desire and pursuit they designate as utterly mean and grovelling; as a doctrine worthy only of swine, to whom the followers of Epicurus were, at a very early period, contemptuously likened; and modern holders of the doctrine are occasionally made the subject of equally polite comparisons by its German, French, and English assailants.

Higher and Lower Pleasures

When thus attacked, the Epicureans have always answered, that it is not they, but their accusers, who represent human nature in a degrading light; since the accusation supposes human beings to be capable of no pleasures except those of which swine are capable. If this supposition were true, the charge could not be gainsaid, but would then be no longer an imputation; for if the sources of pleasure were precisely the same to human beings and to swine, the rule of life which is good enough for the one would be good enough for the other. The comparison of the Epicurean life to that of beasts is felt as degrading, precisely because a beast's pleasures do not satisfy a human being's conceptions of happiness. Human beings have faculties more elevated than the animal appetites, and when once made conscious of them, do not regard anything as happiness which does not include their gratification. I do not, indeed, consider the Epicureans to have been by any means faultless in drawing out their scheme of consequences from the utilitarian principle. To do this in any sufficient manner, many Stoic, as well as Christian elements require to be included.

But there is no known Epicurean theory of life which does not assign to the pleasures of the intellect, of the feelings and imagination, and of the moral sentiments, a much higher value as pleasures than to those of mere sensation. It must be admitted, however, that utilitarian writers in general have placed the superiority of mental over bodily pleasures chiefly in the greater permanency, safety, uncostliness, etc., of the former that is, in their circumstantial advantages rather than in their intrinsic nature. And on all these points utilitarians have fully proved their case; but they might have taken the other, and, as it may be called, higher ground, with entire consistency. It is quite compatible with the principle of utility to recognize the fact, that some kinds of pleasure are more desirable and more valuable than oth-

ers. It would be absurd that while, in estimating all other things, quality is considered as well as quantity, the estimation of pleasures should be supposed to depend on quantity alone.

If I am asked, what I mean by difference of quality in pleasures, or what makes one pleasure more valuable than another, merely as a pleasure, except its being greater in amount, there is but one possible answer. Of two pleasures, if there be one to which all or almost all who have experience of both give a decided preference, irrespective of any feeling of moral obligation to prefer it, that is the more desirable pleasure. If one of the two is, by those who are competently acquainted with both, placed so far above the other that they prefer it, even though knowing it to be attended with a greater amount of discontent, and would not resign it for any quantity of the other pleasure which their nature is capable of, we are justified in ascribing to the preferred enjoyment a superiority in quality, so far outweighing quantity as to render it, in comparison, of small account.

Now it is an unquestionable fact that those who are equally acquainted with, and equally capable of appreciating and enjoying, both, do give a most marked preference to the manner of existence which employs their higher faculties. Few human creatures would consent to be changed into any of the lower animals, for a promise of the fullest allowance of a beast's pleasures; no intelligent human being would consent to be a fool, no instructed person would be an ignoramus, no person of feeling and conscience would be selfish and base, even though they should be persuaded that the fool, the dunce, or the rascal is better satisfied with his lot than they are with theirs. They would not resign what they possess more than he for the most complete satisfaction of all the desires which they have in common with him. If they ever fancy they would, it is only in cases of unhappiness so extreme, that to escape from it they would exchange their lot for almost any other, however undesirable in their own eyes.

A being of higher faculties requires more to make him happy, is capable probably of more acute suffering, and certainly accessible to it at more points, than one of an inferior type; but in spite of these liabilities, he can never really wish to sink into what he feels to be a lower grade of existence. We may give what explanation we please of this unwillingness; we may attribute it to pride, a name which is given indiscriminately to some of the most and to some of the least estimable feelings of which mankind are capable: we may refer it to the love of liberty and personal independence, an appeal to which was with the Stoics one of the most effective means for the

inculcation of it; to the love of power, or to the love of excitement, both of which do really enter into and contribute to it: but its most appropriate appellation is a sense of dignity, which all human beings possess in one form or other, and in some, though by no means in exact, proportion to their higher faculties, and which is so essential a part of the happiness of those in whom it is strong, that nothing which conflicts with it could be, otherwise than momentarily, an object of desire to them.

Whoever supposes that this preference takes place at a sacrifice of happiness that the superior being, in anything like equal circumstances, is not happier than the inferior confounds the two very different ideas, of happiness, and content. It is indisputable that the being whose capacities of enjoyment are low, has the greatest chance of having them fully satisfied; and a highly endowed being will always feel that any happiness which he can look for, as the world is constituted, is imperfect. But he can learn to bear its imperfections, if they are at all bearable; and they will not make him envy the being who is indeed unconscious of the imperfections, but only because he feels not at all the good which those imperfections qualify. It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. And if the fool, or the pig, are a different opinion, it is because they only know their own side of the question. The other party to the comparison knows both sides.

It may be objected, that many who are capable of the higher pleasures, occasionally, under the influence of temptation, postpone them to the lower. But this is quite compatible with a full appreciation of the intrinsic superiority of the higher. Men often, from infirmity of character, make their election for the nearer good, though they know it to be the less valuable; and this no less when the choice is between two bodily pleasures, than when it is between bodily and mental. They pursue sensual indulgences to the injury of health, though perfectly aware that health is the greater good.

It may be further objected, that many who begin with youthful enthusiasm for everything noble, as they advance in years sink into indolence and selfishness. But I do not believe that those who undergo this very common change, voluntarily choose the lower description of pleasures in preference to the higher. I believe that before they devote themselves exclusively to the one, they have already become incapable of the other. Capacity for the nobler feelings is in most natures a very tender plant, easily killed, not only by hostile influences, but by mere want of sustenance; and in the majority of young persons it speedily dies away if the occupations to which their

position in life has devoted them, and the society into which it has thrown them, are not favorable to keeping that higher capacity in exercise.

Men lose their high aspirations as they lose their intellectual tastes, because they have not time or opportunity for indulging them; and they addict themselves to inferior pleasures, not because they deliberately prefer them, but because they are either the only ones to which they have access, or the only ones which they are any longer capable of enjoying. It may be questioned whether any one who has remained equally susceptible to both classes of pleasures, ever knowingly and calmly preferred the lower; though many, in all ages, have broken down in an ineffectual attempt to combine both.

From this verdict of the only competent judges, I apprehend there can be no appeal. On a question which is the best worth having of two pleasures, or which of two modes of existence is the most grateful to the feelings, apart from its moral attributes and from its consequences, the judgment of those who are qualified by knowledge of both, or, if they differ, that of the majority among them, must be admitted as final. And there needs be the less hesitation to accept this judgment respecting the quality of pleasures, since there is no other tribunal to be referred to even on the question of quantity.

What means are there of determining which is the acutest of two pains, or the intensest of two pleasurable sensations, except the general suffrage of those who are familiar with both? Neither pains nor pleasures are homogeneous, and pain is always heterogeneous with pleasure. What is there to decide whether a particular pleasure is worth purchasing at the cost of a particular pain, except the feelings and judgment of the experienced? When, therefore, those feelings and judgment declare the pleasures derived from the higher faculties to be preferable in kind, apart from the question of intensity, to those of which the animal nature, disjoined from the higher faculties, is susceptible, they are entitled on this subject to the same regard.

I have dwelt on this point, as being a necessary part of a perfectly just conception of Utility or Happiness, considered as the directive rule of human conduct. But it is by no means an indispensable condition to the acceptance of the utilitarian standard; for that standard is not the agent's own greatest happiness, but the greatest amount of happiness altogether; and if it may possibly be doubted whether a noble character is always the happier for its nobleness, there can be no doubt that it makes other people happier, and that the world in general is immensely a gainer by it. Utilitarianism, therefore, could only

attain its end by the general cultivation of nobleness of character, even if each individual were only benefited by the nobleness of others, and his own, so far as happiness is concerned, were a sheer deduction from the benefit. But the bare enunciation of such an absurdity as this last, renders refutation superfluous.

Happiness as an Aim

According to the Greatest Happiness Principle, as above explained, the ultimate end, with reference to and for the sake of which all other things are desirable (whether we are considering our own good or that of other people), is an existence exempt as far as possible from pain, and as rich as possible in enjoyments, both in point of quantity and quality; the test of quality, and the rule for measuring it against quantity, being the preference felt by those who in their opportunities of experience, to which must be added their habits of self-consciousness and self-observation, are best furnished with the means of comparison. This, being, according to the utilitarian opinion, the end of human action, is necessarily also the standard of morality; which may accordingly be defined, the rules and precepts for human conduct, by the observance of which an existence such as has been described might be, to the greatest extent possible, secured to all mankind; and not to them only, but, so far as the nature of things admits, to the whole sentient creation.

[...]

A state of exalted pleasure lasts only moments, or in some cases, and with some intermissions, hours or days, and is the occasional brilliant flash of enjoyment, not its permanent and steady flame. Of this the philosophers who have taught that happiness is the end of life were as fully aware as those who taunt them. The happiness which they meant was not a life of rapture; but moments of such, in an existence made up of few and transitory pains, many and various pleasures, with a decided predominance of the active over the passive, and having as the foundation of the whole, not to expect more from life than it is capable of bestowing. A life thus composed, to those who have been fortunate enough to obtain it, has always appeared worthy of the name of happiness. And such an existence is even now the lot of many, during some considerable portion of their

lives. The present wretched education, and wretched social arrangements, are the only real hindrance to its being attainable by almost all.

[...]

I must again repeat, what the assailants of utilitarianism seldom have the justice to acknowledge, that the happiness which forms the utilitarian standard of what is right in conduct, is not the agent's own happiness, but that of all concerned. As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator. In the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as you would be done by, and to love your neighbor as yourself, constitute the ideal perfection of utilitarian morality.

As the means of making the nearest approach to this ideal, utility would enjoin, first, that laws and social arrangements should place the happiness, or (as speaking practically it may be called) the interest, of every individual, as nearly as possible in harmony with the interest of the whole; and secondly, that education and opinion, which have so vast a power over human character, should so use that power as to establish in the mind of every individual an indissoluble association between his own happiness and the good of the whole; especially between his own happiness and the practice of such modes of conduct, negative and positive, as regard for the universal happiness prescribes; so that not only he may be unable to conceive the possibility of happiness to himself, consistently with conduct opposed to the general good, but also that a direct impulse to promote the general good may be in every individual one of the habitual motives of action, and the sentiments connected therewith may fill a large and prominent place in every human being's sentient existence. If the, impugnors of the utilitarian morality represented it to their own minds in this its, true character, I know not what recommendation possessed by any other morality they could possibly affirm to be wanting to it; what more beautiful or more exalted developments of human nature any other ethical system can be supposed to foster, or what springs of action, not accessible to the utilitarian, such systems rely on for giving effect to their mandates.

Questions for Discussion

1. What objections did Mill list and what was his reply to each?
2. In your informed judgement, does Mill do a good job answering each objection?

3. Is Mill's distinction between upper and lower pleasures a meaningful one? Should we take into account Mill's class and education when analyzing this?
4. How does Mill's account of happiness and general approach compare to [Epicurus' account](#)?
5. At first glance, Mill appears to make a lot of assumptions about other people. Does Mill allow for people choosing what makes them happy?
6. If a utilitarian does allow for different people preferring different pleasures, is Utilitarianism (as Mill discusses it) a universal or subjectivist / relativist theory?

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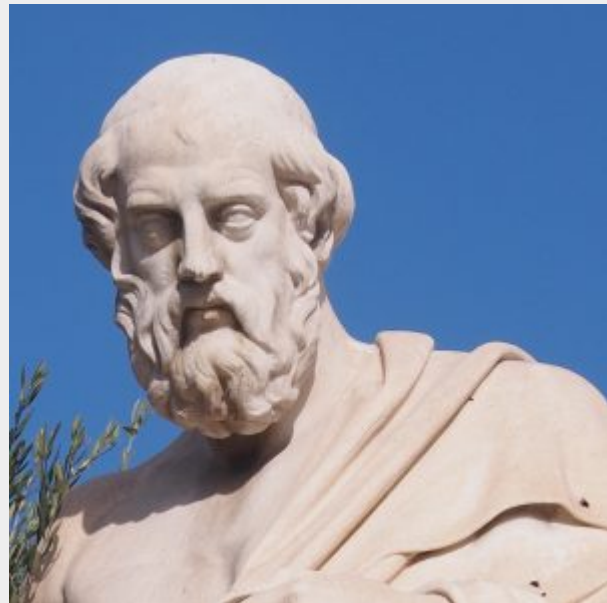
11.

EUTHYPHRO

Plato

The following is a dialogue written by Plato (424-348 BCE) between his teacher and mentor of Plato and Euthyphro, considered to be the most pious (religious) person in all of Athens. Socrates questions him on whether it is possible for morality to be rooted in religion, here described as those things "which [all] the gods love."

But the question at the heart of this readings is "**Why do the gods love what they love?**" If the gods love what they love because he thing is worthy of being loved, then the gods are merely following a higher rationale than their own choices. On the other hand, if they love whatever they happen to choose to love, then there is no rhyme or reason to what's moral.



Statue of Plato by Leonidas Drosis.

Euthyphro: What strange thing has happened, Socrates, that you have left your accustomed haunts in the Lyceum and are now haunting the portico where the king Archon sits? For it cannot be that you have an action before the king, as I have.

Socrates: Our Athenians, Euthyphro, do not call it an action, but an indictment.

Euthyphro: What? Somebody has, it seems, brought an indictment against you; for I don't accuse you of having brought one against anyone else.

Socrates: Certainly not.

Euthyphro: But someone else against you?

Socrates: Quite so.

Euthyphro: Who is he?

Socrates: I don't know the man very well myself, Euthyphro, for he seems to be a young and unknown person. His name, however, is Meletus, I believe. And he is of the deme of Pitthus, if you remember any Pitthian Meletus, with long hair and only a little beard, but with a hooked nose.

Euthyphro: I don't remember him, Socrates. But what sort of an indictment has he brought against you?

Socrates: What sort? No mean one, it seems to me; for the fact that, young as he is, he has apprehended so important a matter reflects no small credit upon him. For he says he knows how the youth are corrupted and who those are who corrupt them. He must be a wise man; who, seeing my lack of wisdom and that I am corrupting his fellows, comes to the State, as a boy runs to his mother, to accuse me.

And he seems to me to be the only one of the public men who begins in the right way; for the right way is to take care of the young men first, to make them as good as possible, just as a good husbandman will naturally take care of the young plants first and afterwards of the rest.

And so Meletus, perhaps, is first clearing away us who corrupt the young plants, as he says; then after this, when he has turned his attention to the older men, he will bring countless most precious blessings upon the State,—at least, that is the natural outcome of the beginning he has made.

Euthyphro: I hope it may be so, Socrates; but I fear the opposite may result. For it seems to me that he begins by injuring the State at its very heart, when he undertakes to harm you. Now tell me, what does he say you do that corrupts the young?

Socrates: Absurd things, my friend, at first hearing. For he says I am a maker of gods; and because I make new gods and do not believe in the old ones, he indicted me for the sake of these old ones, as he says.

Euthyphro: I understand, Socrates; it is because you say the divine monitor keeps coming to you. So he has brought the indictment against you for making innovations in religion, and he is going into court to slander you, knowing that slanders on such subjects are readily accepted by the people.

Why, they even laugh at me and say I am crazy when I say anything in the assembly about divine things and foretell the future to them.

And yet there is not one of the things I have foretold that is not true; but they are jealous of all such men as you and I are. However, we must not be disturbed, but must come to close quarters with them.

Socrates: My dear Euthyphro, their ridicule is perhaps of no consequence. For the Athenians, I fancy, are not much concerned, if they think a man is clever, provided he does not impart his clever notions to others; but when they think he makes others to be like himself, they are angry with him, either through jealousy, as you say, or for some other reason.

Euthyphro: I don't much desire to test their sentiments toward me in this matter.

Socrates: No, for perhaps they think that you are reserved and unwilling to impart your wisdom. But I fear that because of my love of men they think that I not only pour myself out copiously to anyone and everyone without payment, but that I would even pay something myself, if anyone would listen to me.

Now if, as I was saying just now, they were to laugh at me, as you say they do at you, it would not be at all unpleasant to pass the time in the court with jests and laughter; but if they are in earnest, then only soothsayers like you can tell how this will end.

Euthyphro: Well, Socrates, perhaps it won't amount to much, and you will bring your case to a satisfactory ending, as I think I shall mine.

Socrates: What is your case, Euthyphro? Are you defending or prosecuting?

Euthyphro: Prosecuting.

Socrates: Whom?

Euthyphro: Such a man that they think I am insane because I am prosecuting him.

Socrates: Why? Are you prosecuting one who has wings to fly away with?

Euthyphro: No flying for him at his ripe old age.

Socrates: Who is he?

Euthyphro: My father.

Socrates: Your father, my dear man?

Euthyphro: Certainly.

Socrates: But what is the charge, and what is the suit about?

Euthyphro: Murder, Socrates.

Socrates : Heracles! Surely, Euthyphro, most people do not know where the right lies; for I fancy it is not everyone who can rightly do what you are doing, but only one who is already very far advanced in wisdom.

Euthyphro: Very far, indeed, Socrates, by Zeus.

Socrates: Is the one who was killed by your father a relative? But of course he was; for you would not bring a charge of murder against him on a stranger's account.

Euthyphro: It is ridiculous, Socrates, that you think it matters whether the man who was killed was a stranger or a relative, and do not see that the only thing to consider is whether the action of the slayer was justified or not, and that if it was justified one ought to let him alone, and if not, one ought to proceed against him, even if he share one's hearth and eat at one's table.

For the pollution is the same if you associate knowingly with such a man and do not purify yourself and him by proceeding against him. In this case, the man who was killed was a hired workman of mine, and when we were farming at Naxos, he was working there on our land.

Now he got drunk, got angry with one of our house slaves, and butchered him. So my father bound him hand and foot, threw him into a ditch, and sent a man here to Athens to ask the religious adviser what he ought to do.

In the meantime he paid no attention to the man as he lay there bound, and neglected him, thinking that he was a murderer and it did not matter if he were to die. And that is just what happened to him. For he died of hunger and cold and his bonds before the messenger came back from the adviser.

Now my father and the rest of my relatives are angry with me, because for the sake of this murderer I am prosecuting my father for murder. For they say he did not kill him, and if he had killed him never so much, yet since the dead man was a murderer, I ought not to trouble myself about

such a fellow, because it is unholy for a son to prosecute his father for murder. Which shows how little they know what the divine law is in regard to holiness and unholiness.

Socrates: But, in the name of Zeus, Euthyphro, do you think your knowledge about divine laws and holiness and unholiness is so exact that, when the facts are as you say, you are not afraid of doing something unholy yourself in prosecuting your father for murder?

Euthyphro: I should be of no use, Socrates, and Euthyphro would be in no way different from other men, if I did not have exact knowledge about all such things.

Socrates: Then the best thing for me, my admirable Euthyphro, is to become your pupil and, before the suit with Meletus comes on, to challenge him and say that I always thought it very important before to know about divine matters and that now, since he says I am doing wrong by acting carelessly and making innovations in matters of religion, I have become your pupil.

And "Meletus," I should say, "if you acknowledge that Euthyphro is wise in such matters, then believe that I also hold correct opinions, and do not bring me to trial; and if you do not acknowledge that, then bring a suit against him, my teacher, rather than against me, and charge him with corrupting the old, namely, his father and me, which he does by teaching me and by correcting and punishing his father."

And if he does not do as I ask and does not release me from the indictment or bring it against you in my stead, I could say in the court the same things I said in my challenge to him, could I not?

Euthyphro: By Zeus, Socrates, if he should undertake to indict me, I fancy I should find his weak spot, and it would be much more a question about him in court than about me.

Socrates: And I, my dear friend, perceiving this, wish to become your pupil; for I know that neither this fellow Meletus, nor anyone else, seems to notice you at all, but he has seen through me so sharply and so easily that he has indicted me for impiety.

Now in the name of Zeus, tell me what you just now asserted that you knew so well.

What do you say is the nature of piety and impiety, both in relation to murder and to other things?

Is not holiness always the same with itself in every action and, on the other hand, is not unholiness the opposite of all holiness, always the same with itself and whatever is to be unholy possessing some one characteristic quality?

Euthyphro: Certainly, Socrates.

Socrates: Tell me then, what do you say holiness is, and what unholiness?

Euthyphro: Well then, I say that holiness is doing what I am doing now, prosecuting the wrongdoer who commits murder or steals from the temples or does any such thing, whether he be your father, or your mother or anyone else, and not prosecuting him is unholy.

And, Socrates, see what a sure proof I offer you,—a proof I have already given to others,—that this is established and right and that we ought not to let him who acts impiously go unpunished, no matter who he may be.

Men believe that Zeus is the best and most just of the gods, and they acknowledge that he put his father in bonds because he wickedly devoured his children, and he in turn had mutilated his father for similar reasons; but they are incensed against me because I proceed against my father when he has done wrong, and so they are inconsistent in what they say about the gods and about me.

Socrates: Is not this, Euthyphro, the reason why I am being prosecuted, because when people tell such stories about the gods I find it hard to accept them? And therefore, probably, people will say I am wrong.

Now if you, who know so much about such things, accept these tales, I suppose I too must give way. For what am I to say, who confess frankly that I know nothing about them?

But tell me, in the name of Zeus, the god of friendship, do you really believe these things happened?

Euthyphro: Yes, and still more wonderful things than these, Socrates, which most people do not know.

Socrates: And so you believe that there was

really war between the gods, and fearful enmities and battles and other things of the sort, such as are told of by the poets and represented in varied designs by the great artists in our sacred places and especially on the robe which is carried up to the Acropolis at the great Panathenaea? for this is covered with such representations. Shall we agree that these things are true, Euthyphro?

Euthyphro: Not only these things, Socrates; but, as I said just now, I will, if you like, tell you many other things about the gods, which I am sure will amaze you when you hear them.

Socrates: I dare say. But you can tell me those things at your leisure some other time. At present try to tell more clearly what I asked you just now. For, my friend, you did not give me sufficient information before, when I asked what holiness was, but you told me that this was holy which you are now doing, prosecuting your father for murder.

Euthyphro: Well, what I said was true, Socrates.

Socrates: Perhaps. But, Euthyphro, you say that many other things are holy, do you not?

Euthyphro: Why, so they are.

Socrates: Now call to mind that this is not what I asked you, to tell me one or two of the many holy acts, but to tell the essential aspect, by which all holy acts are holy; for you said that all unholy acts were unholy and all holy ones holy by one aspect. Or don't you remember?

Euthyphro: I remember.

Socrates: Tell me then what this aspect is, that I may keep my eye fixed upon it and employ it as a model and, if anything you or anyone else does agrees with it, may say that the act is holy, and if not, that it is unholy.

Euthyphro: If you wish me to explain in that way, I will do so.

Socrates: I do wish it.

Euthyphro: Well then, what is dear to the gods is holy, and what is not dear to them is unholy.

Socrates: Excellent, Euthyphro, now you have answered as I asked you to answer. However, whether it is true, I am not yet sure; but you will, of course, show that what you say is true.

Euthyphro: Certainly.

Socrates: Come then, let us examine our words. The thing and the person that are dear to the gods are holy, and the thing and the person that are hateful to the gods are unholy; and the two are not the same, but the holy and the unholy are the exact opposites of each other. Is not this what we have said?

Euthyphro: Yes, just this.

Socrates: And it seems to be correct?

Euthyphro: I think so, Socrates.

Socrates: Well then, have we said this also, that the gods, Euthyphro, quarrel and disagree with each other, and that there is enmity between them?

Euthyphro: Yes, we have said that.

Socrates: But what things is the disagreement about, which causes enmity and anger? Let us look at it in this way. If you and I were to disagree about number, for instance, which of two numbers were the greater, would the disagreement about these matters make us enemies and make us angry with each other, or should we not quickly settle it by resorting to arithmetic?

Euthyphro: Of course we should.

Socrates: Then, too, if we were to disagree about the relative size of things, we should quickly put an end to the disagreement by measuring?

Euthyphro: Yes.

Socrates: And we should, I suppose, come to terms about relative weights by weighing?

Euthyphro: Of course.

Socrates: But about what would a disagreement be, which we could not settle and which would cause us to be enemies and be angry with each other? Perhaps you cannot give an answer off-hand; [7d] but let me suggest it. Is it not about right and wrong, and noble and disgraceful, and good and bad? Are not these the questions about which you and I and other people become enemies, when we do become enemies, because we differ about them and cannot reach any satisfactory agreement?

Euthyphro: Yes, Socrates, these are the questions about which we should become enemies.

Socrates: And how about the gods, Euthyphro, if they disagree, would they not disagree about these questions?

Euthyphro: Necessarily.

Socrates: Then, my noble Euthyphro, according to what you say, some of the gods too think some things are right or wrong and noble or disgraceful, and good or bad, and others disagree; for they would not quarrel with each other if they did not disagree about these matters. Is that the case?

Euthyphro: You are right.

Socrates: Then the gods in each group love the things which they consider good and right and hate the opposites of these things?

Euthyphro: Certainly.

Socrates: But you say that the same things are considered right by some of them and wrong by others; and it is because they disagree about these things [8a] that they quarrel and wage war with each other. Is not this what you said?

Euthyphro: It is.

Socrates: Then, as it seems, the same things are hated and loved by the gods, and the same things would be dear and hateful to the gods.

Euthyphro: So it seems.

Socrates: And then the same things would be both holy and unholy, Euthyphro, according to this statement.

Euthyphro: I suppose so.

Socrates: Then you did not answer my question, my friend. For I did not ask you what is at once holy and unholy; but, judging from your reply, what is dear to the gods is also hateful to the gods. And so, Euthyphro, it would not be surprising if, in punishing your father as you are doing, you were performing an act that is pleasing to Zeus, but hateful to Cronus and Uranus, and pleasing to Hephaestus, but hateful to Hera, and so forth in respect to the other gods, if any disagree with any other about it.

Euthyphro: But I think, Socrates, that none of the gods disagrees with any other about this, or holds that he who kills anyone wrongfully ought not to pay the penalty.

Socrates: Well, Euthyphro, to return to men, did

you ever hear anybody arguing that he who had killed anyone wrongfully, or had done anything else whatever wrongfully, ought not to pay the penalty?

Euthyphro: Why, they are always arguing these points, especially in the law courts. For they do very many wrong things; and then there is nothing they will not do or say, in defending themselves, to avoid the penalty.

Socrates: Yes, but do they acknowledge, Euthyphro, that they have done wrong and, although they acknowledge it, nevertheless say that they ought not to pay the penalty?

Euthyphro: Oh, no, they don't do that.

Socrates: Then there is something they do not do and say. For they do not, I fancy, dare to say and argue that, if they have really done wrong, they ought not to pay the penalty; but, I think, they say they have not done wrong; do they not?

Euthyphro: You are right.

Socrates: Then they do not argue this point, that the wrongdoer must not pay the penalty; but perhaps they argue about this, who is a wrongdoer, and what he did, and when.

Euthyphro: That is true.

Socrates: Then is not the same thing true of the gods, if they quarrel about right and wrong, as you say, and some say others have done wrong, and some say they have not? For surely, my friend, no one, either of gods or men, has the face to say that he who does wrong ought not to pay the penalty.

Euthyphro: Yes, you are right about this, Socrates, in the main.

Socrates: But I think, Euthyphro, those who dispute, both men and gods, if the gods do dispute, dispute about each separate act. When they differ with one another about any act, some say it was right and others that it was wrong. Is it not so?

Euthyphro: Certainly.

Socrates: Come now, my dear Euthyphro, inform me, that I may be made wiser, what proof you have that all the gods think that the man lost his life wrongfully, who, when he was a servant, committed murder, was bound by the master of the man he killed, and died as a result

of his bonds before the master who had bound him found out from the advisers what he ought to do with him, and that it is right on account of such a man for a son to proceed against his father and accuse him of murder. Come, try to show me clearly about this, that [9b] the gods surely believe that this conduct is right; and if you show it to my satisfaction, I will glorify your wisdom as long as I live.

Euthyphro: But perhaps this is no small task, Socrates; though I could show you quite clearly.

Socrates: I understand; it is because you think I am slower to understand than the judges; since it is plain that you will show them that such acts are wrong and that all the gods hate them.

Euthyphro: Quite clearly, Socrates; that is, if they listen to me.

Socrates: They will listen, if they find that you are a good speaker. [9c] But this occurred to me while you were talking, and I said to myself: "If Euthyphro should prove to me no matter how clearly that all the gods think such a death is wrongful, what have I learned from Euthyphro about the question, what is holiness and what is unholy? For this act would, as it seems, be hateful to the gods; but we saw just now that holiness and its opposite are not defined in this way; for we saw that what is hateful to the gods is also dear to them; and so I let you off any discussion of this point, Euthyphro. If you like, all the gods may think it wrong and may hate it. But shall we now emend our definition and say that whatever all the gods hate is unholy and whatever they all love is holy, and what some love and others hate is neither or both? Do you wish this now to be our definition of holiness and unholy-ness?"

Euthyphro: What is to hinder, Socrates?

Socrates: Nothing, so far as I am concerned, Euthyphro, but consider your own position, whether by adopting this definition you will most easily teach me what you promised. [9e]

Euthyphro: Well, I should say that what all the gods love is holy and, on the other hand, what they all hate is unholy.

Socrates: Then shall we examine this again, Euthyphro, to see if it is correct, or shall we let it go and accept our own statement, and those of others, agreeing that it is so, if anyone merely says that it is? Or ought we to inquire into the correctness of the statement?

Euthyphro: We ought to inquire. However, I think this is now correct.

Socrates: We shall soon know more about this, my friend. Just consider this question:—**Is that which is holy loved by the gods because it is holy, or is it holy because it is loved by the gods?**

Euthyphro: I don't know what you mean, Socrates.

Socrates: Then I will try to speak more clearly. We speak of being carried and of carrying, of being led and of leading, of being seen and of seeing; and you understand—do you not?—that in all such expressions the two parts differ one from the other in meaning, and how they differ.

Euthyphro: I think I understand.

Socrates: Then, too, we conceive of a thing being loved and of a thing loving, and the two are different?

Euthyphro: Of course. Socrates. Now tell me, is a thing which is carried a carried thing because one carries it, or for some other reason?

Euthyphro: No, for that reason.

Socrates: And a thing which is led —is it led because one leads it, and a thing which is seen is so because one sees it?

Euthyphro: Certainly.

Socrates: Then one does not see it because it is a seen thing, but, on the contrary, it is a seen thing because one sees it; and one does not lead it because it is a led thing, but it is a led thing because one leads it; and one does not carry it because it is a carried thing, but it is a carried thing because one carries it.

Is it clear, Euthyphro, what I am trying to say? I am trying to say this, that if anything becomes or undergoes, it does not become because it is in a state of becoming, but it is in a state of becoming because it becomes, and it does not undergo because it is a thing which undergoes, but because it undergoes it is a thing which undergoes; or do you not agree to this?

Euthyphro: I agree.

Socrates: Is not that which is beloved a thing which is either becoming or undergoing something?

Euthyphro: Certainly.

Socrates: And is this case like the former ones: those who love it do not love it because it is a bad thing, but it is a beloved thing because they love it?

Euthyphro: Obviously.

Socrates: Now what do you say about that which is holy, Euthyphro, it is loved by all the gods, is it not, according to what you said?

Euthyphro: Yes.

Socrates: For this reason, because it is holy, or for some other reason?

Euthyphro: No, for this reason.

Socrates: It is loved because it is holy, not holy because it is loved?

Euthyphro: I think so.

Socrates: But that which is dear to the gods is dear to them and beloved by them because they love it.

Euthyphro: Of course.

Socrates: Then that which is dear to the gods and that which is holy are not identical, but differ one from the other.

Euthyphro: How so, Socrates?

Socrates: Because we are agreed that the holy is loved because it is holy and that it is not holy because it is loved; are we not?

Euthyphro: Yes.

Socrates: But we are agreed that what is dear to the gods is dear to them because they love it, that is, by reason of this love, not that they love it because it is dear.

Euthyphro: Very true.

Socrates: But if that which is dear to the gods and that which is holy were identical, my dear Euthyphro, then if the holy were loved because it is holy, that which is dear to the gods would be loved because it is dear, and if that which is dear to the gods is dear because it is loved, then that which is holy would be holy because it is loved; but now you see that the opposite is the case, showing that the two are different from each other.

For the one becomes lovable from the fact that it is loved, whereas the other is loved because it is in itself lovable.

And, Euthyphro, it seems that when you were asked what holiness is you were unwilling to make plain its essence, but you mentioned something that has happened to this holiness, namely, that it is loved by the gods. But you did not tell as yet what it really is.

So, if you please, do not hide it from me, but begin over again and tell me what holiness is, no matter whether it is loved by the gods or anything else happens it; for we shall not quarrel about that. But tell me frankly, What is holiness, and what is unholiness?

Euthyphro: But, Socrates, I do not know how to say what I mean. For whatever statement we advance, somehow or other it moves about and won't stay where we put it.

Socrates: Your statements, Euthyphro, are like works of my2 ancestor Daedalus, and if I were the one who made or advanced them, you might laugh at me and say that on account of my relationship to him my works in words run away and won't stay where they are put. But now—well, the statements are yours; so some other jest is demanded; for they stay fixed, as you yourself see.

Euthyphro: I think the jest does very well as it is; for I am not the one who makes these statements move about and not stay in the same place, but you are the Daedalus; for they would have stayed, so far as I am concerned.

Socrates: Apparently then, my friend, I am a more clever artist than Daedalus, inasmuch as he made only his own works move, whereas I, as it seems, give motion to the works of others as well as to my own. And the most exquisite thing about my art is that I am clever against my will; for I would rather have my words stay fixed and stable than possess the wisdom of Daedalus and the wealth of Tantalus besides. But enough of this. Since you seem to be indolent, I will aid you myself, so that you may instruct me about holiness. And do not give it up beforehand. Just see whether you do not think that everything that is holy is right.

Euthyphro: I do.

Socrates: But is everything that is right also

holy? Or is all which is holy right, and not all which is right holy, but part of it holy and part something else?

Euthyphro: I can't follow you, Socrates.

Socrates: And yet you are as much younger than I as you are wiser; but, as I said, you are indolent on account of your wealth of wisdom. But exert yourself, my friend; for it is not hard to understand what I mean. What I mean is the opposite of what the poet said, who wrote:

“Zeus the creator, him who made all things,
thou wilt not name; for where fear is, there also
is reverence.”

– Stasinus, author of the Cypria

Socrates: Now I disagree with the poet. Shall I tell you how?

Euthyphro: By all means.

Socrates: It does not seem to me true that where fear is, there also is reverence; for many who fear diseases and poverty and other such things seem to me to fear, but not to reverence at all these things which they fear. Don't you think so, too?

Euthyphro: Certainly.

Socrates: But I think that where reverence is, there also is fear; for does not everyone who has a feeling of reverence and shame about any act also dread and fear the reputation for wickedness?

Euthyphro: Yes, he does fear.

Socrates: Then it is not correct to say “where fear is, there also is reverence.” On the contrary, where reverence is, there also is fear; but reverence is not everywhere where fear is, since, as I think, fear is more comprehensive than reverence; for reverence is a part of fear, just as the odd is a part of number, so that it is not true that where number is, there also is the odd, but that where the odd is, there also is number. Perhaps you follow me now?

Euthyphro: Perfectly.

Socrates: It was something of this sort that I meant before, when I asked whether where the right is, there also is holiness, or where holiness is, there also is the right; but holiness is not everywhere where the right is, for holiness is a

part of the right. Do we agree to this, or do you dissent?

Euthyphro: No, I agree; for I think the statement is correct.

Socrates: Now observe the next point. If holiness is a part of the right, we must, apparently, find out what part of the right holiness is. Now if you asked me about one of the things I just mentioned, as, for example, what part of number the even was, and what kind of a number it was I should say, "that which is not indivisible by two, but divisible by two"; or don't you agree?

Euthyphro: I agree. Socrates. Now try in your turn to teach me what part of the right holiness is, that I may tell Meletus not to wrong me any more or bring suits against me for impiety, since I have now been duly instructed by you about what is, and what is not, pious and holy.

Euthyphro: This then is my opinion, Socrates, that the part of the right which has to do with attention to the gods constitutes piety and holiness, and that the remaining part of the right is that which has to do with the service of men.

Socrates: I think you are correct, Euthyphro; [13a] but there is one little point about which I still want information, for I do not yet understand what you mean by "attention." I don't suppose you mean the same kind of attention to the gods which is paid to other things. We say, for example, that not everyone knows how to attend to horses, but only he who is skilled in horsemanship, do we not?

Euthyphro: Certainly.

Socrates: Then horsemanship is the art of attending to horses?

Euthyphro: Yes.

Socrates: And not everyone knows how to attend to dogs, but only the huntsman?

Euthyphro: That is so.

Socrates: Then the huntsman's art is the art of attending to dogs?

Euthyphro: Yes.

Socrates: And the oxherd's art is that of attending to oxen?

Euthyphro: Certainly.

Socrates: And holiness and piety is the art of attending to the gods? Is that what you mean, Euthyphro?

Euthyphro: Yes.

Socrates: Now does attention always aim to accomplish the same end? I mean something like this: It aims at some good or benefit to the one to whom it is given, as you see that horses, when attended to by the horseman's art are benefited and made better; or don't you think so?

Euthyphro: Yes, I do.

Socrates: And dogs are benefited by the huntsman's art and oxen by the oxherd's and everything else in the same way? Or do you think care and attention are ever meant for the injury of that which is cared for?

Euthyphro: No, by Zeus, I do not.

Socrates: But for its benefit?

Euthyphro: Of course.

Socrates: Then holiness, since it is the art of attending to the gods, is a benefit to the gods, and makes them better? And you would agree that when you do a holy or pious act you are making one of the gods better?

Euthyphro: No, by Zeus, not I.

Socrates: Nor do I, Euthyphro, think that is what you meant. Far from it. But I asked what you meant by [13d] "attention to the gods" just because I did not think you meant anything like that.

Euthyphro: You are right, Socrates; that is not what I mean.

Socrates: Well, what kind of attention to the gods is holiness?

Euthyphro: The kind, Socrates, that servants pay to their masters.

Socrates: I understand. It is, you mean, a kind of service to the gods?

Euthyphro: Exactly.

Socrates: Now can you tell me what result the art that serves the physician serves to produce? Is it not health?

Euthyphro: Yes.

Socrates: Well then; what is it which the art that serves shipbuilders serves to produce?

Euthyphro: Evidently, Socrates, a ship.

Socrates: And that which serves housebuilders serves to build a house?

Euthyphro: Yes.

Socrates: Then tell me, my friend; what would the art which serves the gods serve to accomplish? For it is evident that you know, since you say you know more than any other man about matters which have to do with the gods.

Euthyphro: And what I say is true, Socrates.

Socrates: Then, in the name of Zeus, tell me, what is that glorious result which the gods accomplish by using us as servants?

Euthyphro: They accomplish many fine results, Socrates.

Socrates: Yes, and so do generals, my friend; but nevertheless, you could easily tell the chief of them, namely, that they bring about victory in war. Is that not the case?

Euthyphro: Of course.

Socrates: And farmers also, I think, accomplish many fine results; but still the chief result of their work is food from the land?

Euthyphro: Certainly.

Socrates: But how about the many fine results the gods accomplish? What is the chief result of their work?

Euthyphro: I told you a while ago, Socrates, that it is a long task to learn accurately all about these things. However, I say simply that when one knows how to say and do what is gratifying to the gods, in praying and sacrificing, that is holiness, and such things bring salvation to individual families and to states; and the opposite of what is gratifying to the gods is impious, and that overturns and destroys everything.

Socrates: You might, if you wished, Euthyphro, have answered much more briefly the chief part of my question. But it is plain that you do not care to instruct me. [14c] For now, when you were close upon it you turned aside; and if you had answered it, I should already have obtained from you all the instruction I need about holiness. But, as things are, the questioner must fol-

low the one questioned wherever he leads. What do you say the holy, or holiness, is? Do you not say that it is a kind of science of sacrificing and praying?

Euthyphro: Yes.

Socrates: And sacrificing is making gifts to the gods and praying is asking from them?

Euthyphro: Exactly, Socrates.

Socrates: Then holiness, according to this definition, would be a science of giving and asking.

Euthyphro: You understand perfectly what I said, Socrates.

Socrates: Yes, my friend, for I am eager for your wisdom, and give my mind to it, so that nothing you say shall fall to the ground. But tell me, what is this service of the gods? Do you say that it consists in asking from them and giving to them?

Euthyphro: Yes.

Socrates: Would not the right way of asking be to ask of them what we need from them?

Euthyphro: What else?

Socrates: And the right way of giving, to present them with what they need from us? For it would not be scientific giving to give anyone what he does not need.

Euthyphro: You are right, Socrates.

Socrates: Then holiness would be an art of barter between gods and men?

Euthyphro: Yes, of barter, if you like to call it so.

Socrates: I don't like to call it so, if it is not true. But tell me, what advantage accrues to the gods from the gifts they get from us? For everybody knows what they give, [15a] since we have nothing good which they do not give. But what advantage do they derive from what they get from us? Or have we so much the better of them in our bartering that we get all good things from them and they nothing from us?

Euthyphro: Why you don't suppose, Socrates, that the gods gain any advantage from what they get from us, do you?

Socrates: Well then, what would those gifts of ours to the gods be?

Euthyphro: What else than honor and praise, and, as I said before, gratitude?

Socrates: Then, Euthyphro, holiness is grateful to the gods, but not advantageous or precious to the gods?

Euthyphro: I think it is precious, above all things.

Socrates: Then again, it seems, holiness is that which is precious to the gods.

Euthyphro: Certainly.

Socrates: Then will you be surprised, since you say this, if your words do not remain fixed but walk about, and will you accuse me of being the Daedalus who makes them walk, when you are yourself much more skillful than Daedalus and make them go round in a circle? Or do you not see that our definition has come round to the point from which it started? For you remember, I suppose, that a while ago we found that holiness and what is dear to the gods were not the same, but different from each other; or do you not remember?

Euthyphro: Yes, I remember.

Socrates: Then don't you see that now you say that what is precious to the gods is holy? And is not this what is dear to the gods?

Euthyphro: Certainly.

Socrates: Then either our agreement a while

ago was wrong, or if that was right, we are wrong now.

Euthyphro: So it seems.

Socrates: Then we must begin again at the beginning and ask what holiness is. Since I shall not willingly give up until I learn. And do not scorn me, but by all means apply your mind now to the utmost and tell me the truth; for you know, if anyone does, and like Proteus, you must be held until you speak. For if you had not clear knowledge of holiness and unholiness, you would surely not have undertaken to prosecute your aged father for murder for the sake of a servant. You would have been afraid to risk the anger of the gods, in case your conduct should be wrong, and would have been ashamed in the sight of men. But now I am sure you think you know what is holy and what is not. So tell me, most excellent Euthyphro, and do not conceal your thought.

Euthyphro: Some other time, Socrates. Now I am in a hurry and it is time for me to go.

Socrates: Oh my friend, what are you doing? You go away and leave me cast down from the high hope I had that I should learn from you what is holy, and what is not, and should get rid of Meletus's indictment by showing him that I have been made wise by Euthyphro about divine matters and am no longer through ignorance acting carelessly and making innovations in respect to them, and that I shall live a better life henceforth.

Questions for Discussion

1. Why is Euthyphro considered the most pious person in all of Athens? What would signal a comparative level of religious commitment in our day and age?
2. For polytheists like the ancient Athenians, conflicting commands or loves of the gods present a problem. What might be an analog today to this problem and can we apply Socrates' and Euthyphro's solution to it?
3. Euthyphro and Socrates talk a bit about Socrates' "innovations in religion". What were these and what might be an analog today?
4. Is that which is holy loved by the gods because it is holy, or is it holy because it is loved by the gods?

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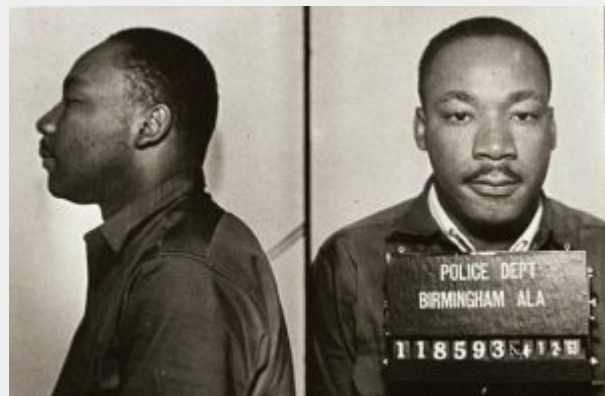
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LETTER FROM THE BIRMINGHAM CITY JAIL

Martin King

In this classic American text, Martin Luther King Jr. (1929 – 1968 CE), one of the most hated people in the US at the time, outlines three major ideas. First, he discusses the purpose and method of non-violent direct action. Then he identifies white moderates as the principle roadblock in the struggle for equal rights, who hem and haw over civility and advise them to take things slow.

Finally, he sketches out the moral duty people have to adhere to Natural Law when it conflicts with human law. In so doing, he canonizes civil disobedience in USA cultural memory as a crucial method on the path to reforming society.



Martin Luther King Jr.'s mugshot while he was jailed in Birmingham in 1963.

Birmingham City Jail

April 16, 1963

My dear Fellow Clergymen, While confined here in the Birmingham City Jail, I came across your recent statement calling our present activities “unwise and untimely.” Seldom, if ever, do I pause to answer criticism of my work and ideas. If I sought to answer all the criticisms that cross my desk, my secretaries would be engaged in little else in the course of the day and I would have no time for constructive work. But since I feel that you are men of genuine goodwill and your criticisms are sincerely set forth, I would like to answer your statement in what I hope will be

patient and reasonable terms. I think I should give the reason for my being in Birmingham, since you have been influenced by the argument of “outsiders coming in.” I have the honor of serving as president of the Southern Christian Leadership Conference, an organization operating in every Southern state with headquarters in Atlanta, Georgia. We have some eighty-five affiliate organizations all across the South — one being the Alabama Christian Movement for Human Rights. Whenever necessary and possible we share staff, educational, and financial resources with our affiliates. Several months ago our local affiliate here in Birmingham invited us to be on call to engage in a nonviolent direct action program if such were deemed necessary. We readily consented and

when the hour came we lived up to our promises. So I am here, along with several members of my staff, because we were invited here. I am here because I have basic organizational ties here. Beyond this, I am in Birmingham because injustice is here. Just as the eighth century prophets left their little villages and carried their "thus saith the Lord" far beyond the boundaries of their home town, and just as the Apostle Paul left his little village of Tarsus and carried the gospel of Jesus Christ to practically every hamlet and city of the Graeco-Roman world, I too am compelled to carry the gospel of freedom beyond my particular home town. Like Paul, I must constantly respond to the Macedonian call for aid. Moreover, I am cognizant of the interrelatedness of all communities and states. I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality tied in a single garment of destiny. Whatever affects one directly affects all indirectly. Never again can we afford to live with the narrow, provincial "outside agitator" idea. Anyone who lives inside the United States can never be considered an outsider anywhere in this country. You deplore the demonstrations that are presently taking place in Birmingham. But I am sorry that your statement did not express a similar concern for the conditions that brought the demonstrations into being. I am sure that each of you would want to go beyond the superficial social analyst who looks merely at effects, and does not grapple with underlying causes. I would not hesitate to say that it is unfortunate that so-called demonstrations are taking place in Birmingham at this time, but I would say in more emphatic terms that it is even more unfortunate that the white power structure of this city left the Negro community with no other alternative.

In any nonviolent campaign there are four basic steps:

1. Collection of the facts to determine whether injustices are alive;
2. Negotiation;
3. Self-purification; and
4. Direct action.

We have gone through all of these steps in Birmingham. There can be no gainsaying of the fact that racial injustice engulfs this community. Birmingham is probably the most thoroughly segregated city in the United States. Its ugly record of police brutality is known in every section of this country. Its unjust treatment of Negroes in the courts is a notorious reality. There have been more unsolved bombings of Negro homes and churches in Birmingham than any city in this nation. These are the hard, brutal,

and unbelievable facts. On the basis of these conditions Negro leaders sought to negotiate with the city fathers. But the political leaders consistently refused to engage in good faith negotiation.

Then came the opportunity last September to talk with some of the leaders of the economic community. In these negotiating sessions certain promises were made by the merchants — such as the promise to remove the humiliating racial signs from the stores. On the basis of these promises Rev. Shuttlesworth and the leaders of the Alabama Christian Movement for Human Rights agreed to call a moratorium on any type of demonstrations. As the weeks and months unfolded we realized that we were the victims of a broken promise. The signs remained. As in so many experiences of the past we were confronted with blasted hopes, and the dark shadow of a deep disappointment settled upon us. So we had no alternative except that of preparing for direct action, whereby we would present our very bodies as a means of laying our case before the conscience of the local and national community. We were not unmindful of the difficulties involved. So we decided to go through a process of self-purification. We started having workshops on nonviolence and repeatedly asked ourselves the questions, "Are you able to accept blows without retaliating?" "Are you able to endure the ordeals of jail?"

We decided to set our direct-action program around the Easter season, realizing that with the exception of Christmas, this was the largest shopping period of the year. Knowing that a strong economic withdrawal program would be the by-product of direct action, we felt that this was the best time to bring pressure on the merchants for the needed changes. Then it occurred to us that the March election was ahead, and so we speedily decided to postpone action until after election day. When we discovered that Mr. Connor was in the run-off, we decided again to postpone action so that the demonstrations could not be used to cloud the issues. At this time we agreed to begin our nonviolent witness the day after the run-off.

This reveals that we did not move irresponsibly into direct action. We too wanted to see Mr. Connor defeated; so we went through postponement after postponement to aid in this community need. After this we felt that direct action could be delayed no longer.

You may well ask, Why direct action? Why sit-ins, marches, etc.? Isn't negotiation a better path? You are exactly right in your call for negotiation. Indeed, this is the purpose of direct action. Nonviolent direct action seeks to create such a crisis and establish such

creative tension that a community that has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored. I just referred to the creation of tension as a part of the work of the nonviolent resister. This may sound rather shocking. But I must confess that I am not afraid of the word tension. I have earnestly worked and preached against violent tension, but there is a type of constructive nonviolent tension that is necessary for growth. Just as Socrates felt that it was necessary to create a tension in the mind so that individuals could rise from the bondage of myths and half-truths to the unfettered realm of creative analysis and objective appraisal, we must see the need of having nonviolent gadflies to create the kind of tension in society that will help men rise from the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood. So the purpose of the direct action is to create a situation so crisis-packed that it will inevitably open the door to negotiation. We, therefore, concur with you in your call for negotiation. Too long has our beloved Southland been bogged down in the tragic attempt to live in monologue rather than dialogue.

One of the basic points in your statement is that our acts are untimely. Some have asked, "Why didn't you give the new administration time to act?" The only answer that I can give to this inquiry is that the new administration must be prodded about as much as the outgoing one before it acts. We will be sadly mistaken if we feel that the election of Mr. Boutwell will bring the millennium to Birmingham. While Mr. Boutwell is much more articulate and gentle than Mr. Connor, they are both segregationists dedicated to the task of maintaining the status quo. The hope I see in Mr. Boutwell is that he will be reasonable enough to see the futility of massive resistance to desegregation. But he will not see this without pressure from the devotees of civil rights. My friends, I must say to you that we have not made a single gain in civil rights without determined legal and nonviolent pressure. History is the long and tragic story of the fact that privileged groups seldom give up their privileges voluntarily. Individuals may see the moral light and voluntarily give up their unjust posture; but as Reinhold Niebuhr has reminded us, groups are more immoral than individuals.

We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed. Frankly I have never yet engaged in a direct action movement that was "well timed," according to the timetable of those who have not suffered unduly from the disease of segregation. For years now I have heard the word "Wait!" It rings in the ear of every Negro with a piercing familiarity.

This "wait" has almost always meant "never." It has been a tranquilizing thalidomide, relieving the emotional stress for a moment, only to give birth to an ill-formed infant of frustration. We must come to see with the distinguished jurist of yesterday that "justice too long delayed is justice denied." We have waited for more than three hundred and forty years for our constitutional and God-given rights. The nations of Asia and Africa are moving with jet-like speed toward the goal of political independence, and we still creep at horse and buggy pace toward the gaining of a cup of coffee at a lunch counter.

I guess it is easy for those who have never felt the stinging darts of segregation to say wait. But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate filled policemen curse, kick, brutalize, and even kill your black brothers and sisters with impunity; when you see the vast majority of your twenty million Negro brothers smothering in an air-tight cage of poverty in the midst of an affluent society; when you suddenly find your tongue twisted and your speech stammering as you seek to explain to your six-year-old daughter why she can't go to the public amusement park that has just been advertised on television, and see tears welling up in her little eyes when she is told that Funtown is closed to colored children, and see the depressing clouds of inferiority begin to form in her little mental sky, and see her begin to distort her little personality by unconsciously developing a bitterness toward white people; when you have to concoct an answer for a five-year-old son asking in agonizing pathos: "Daddy, why do white people treat colored people so mean?"; when you take a cross-country drive and find it necessary to sleep night after night in the uncomfortable corners of your automobile because no motel will accept you; when you are humiliated day in and day out by nagging signs reading "white" men and "colored"; when your first name becomes "nigger" and your middle name becomes "boy" (however old you are) and your last name becomes "John," and when your wife and mother are never given the respected title "Mrs."; when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tip-toe stance never quite knowing what to expect next, and plagued with inner fears and outer resentments; when you are forever fighting a degenerating sense of "nobodiness" — then you will understand why we find it difficult to wait. There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into an abyss of injustice where they experience the bleakness of corroding despair. I hope, sirs, you can understand our legitimate and unavoidable impatience.

You express a great deal of anxiety over our willingness to break laws. This is certainly a legitimate concern. Since we so diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools, it is rather strange and paradoxical to find us consciously breaking laws. One may well ask: "How can you advocate breaking some laws and obeying others?" The answer is found in the fact that there are two types of laws: There are just laws and there are unjust laws. I would be the first to advocate obeying just laws. One has not only a legal but moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with Saint Augustine that "An unjust law is no law at all."

Now what is the difference between the two? How does one determine when a law is just or unjust? A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of Saint Thomas Aquinas, an unjust law is a human law that is not rooted in eternal and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality. It gives the segregator a false sense of superiority and the segregated a false sense of inferiority. To use the words of Martin Buber, the great Jewish philosopher, segregation substitutes an "I-it" relationship for an "I-thou" relationship, and ends up relegating persons to the status of things. So segregation is not only politically, economically, and sociologically unsound, but it is morally wrong and sinful. Paul Tillich has said that sin is separation. Isn't segregation an existential expression of man's tragic separation, an expression of his awful estrangement, his terrible sinfulness? So I can urge men to obey the 1954 decision of the Supreme Court because it is morally right, and I can urge them to disobey segregation ordinances because they are morally wrong.

Let us turn to a more concrete example of just and unjust laws. An unjust law is a code that a majority inflicts on a minority that is not binding on itself. This is difference made legal. On the other hand a just law is a code that a majority compels a minority to follow that it is willing to follow itself. This is sameness made legal.

Let me give another explanation. An unjust law is a code inflicted upon a minority which that minority had no part in enacting or creating because they did not have the unhampered right to vote. Who can say that the legislature of Alabama which set up the segregation laws was democratically elected?

Throughout the state of Alabama all types of conniving methods are used to prevent Negroes from becoming registered voters and there are some counties without a single Negro registered to vote despite the fact that the Negro constitutes a majority of the population. Can any law set up in such a state be considered democratically structured?

These are just a few examples of unjust and just laws. There are some instances when a law is just on its face but unjust in its application. For instance, I was arrested Friday on a charge of parading without a permit. Now there is nothing wrong with an ordinance which requires a permit for a parade, but when the ordinance is used to preserve segregation and to deny citizens the First Amendment privilege of peaceful assembly and peaceful protest, then it becomes unjust.

I hope you can see the distinction I am trying to point out. In no sense do I advocate evading or defying the law as the rabid segregationist would do. This would lead to anarchy. One who breaks an unjust law must do it openly, lovingly (not hatefully as the white mothers did in New Orleans when they were seen on television screaming "nigger, nigger, nigger") and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and willingly accepts the penalty by staying in jail to arouse the conscience of the community over its injustice, is in reality expressing the very highest respect for law.

Of course there is nothing new about this kind of civil disobedience. It was seen sublimely in the refusal of Shadrach, Meshach, and Abednego to obey the laws of Nebuchadnezzar because a higher moral law was involved. It was practiced superbly by the early Christians who were willing to face hungry lions and the excruciating pain of chopping blocks, before submitting to certain unjust laws of the Roman Empire. To a degree academic freedom is a reality today because Socrates practiced civil disobedience.

We can never forget that everything Hitler did in Germany was "legal" and everything the Hungarian freedom fighters did in Hungary was "illegal." It was "illegal" to aid and comfort a Jew in Hitler's Germany. But I am sure that, if I had lived in Germany during that time, I would have aided and comforted my Jewish brothers even though it was illegal. If I lived in a communist country today where certain principles dear to the Christian faith are suppressed, I believe I would openly advocate disobeying these anti-religious laws.

I must make two honest confessions to you, my

Christian and Jewish brothers. First, I must confess that over the last few years I have been gravely disappointed with the white moderate. I have almost reached the regrettable conclusion that the Negroes' great stumbling block in the stride toward freedom is not the White Citizen's "Counciler" or the Ku Klux Klanner, but the white moderate who is more devoted to "order" than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says "I agree with you in the goal you seek, but I can't agree with your methods of direct action"; who paternalistically feels that he can set the timetable for another man's freedom; who lives by the myth of time and who constantly advises the Negro to wait until a "more convenient season." Shallow understanding from people of good will is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection.

I had hoped that the white moderate would understand that law and order exist for the purpose of establishing justice, and that when they fail to do this they become dangerously structured dams that block the flow of social progress. I had hoped that the white moderate would understand that the present tension in the South is merely a necessary phase of the transition from an obnoxious negative peace, where the Negro passively accepted his unjust plight, to a substance-filled positive peace, where all men will respect the dignity and worth of human personality. Actually, we who engage in nonviolent direct action are not the creators of tension. We merely bring to the surface the hidden tension that is already alive. We bring it out in the open where it can be seen and dealt with. Like a boil that can never be cured as long as it is covered up but must be opened with all its pus-flowing ugliness to the natural medicines of air and light, injustice must likewise be exposed, with all of the tension its exposing creates, to the light of human conscience and the air of national opinion before it can be cured.

In your statement you asserted that our actions, even though peaceful, must be condemned because they precipitate violence. But can this assertion be logically made? Isn't this like condemning the robbed man because his possession of money precipitated the evil act of robbery? Isn't this like condemning Socrates because his unswerving commitment to truth and his philosophical delvings precipitated the misguided popular mind to make him drink the hemlock? Isn't this like condemning Jesus because His unique God consciousness and never-ceasing devotion to His will precipitated the evil act of crucifixion? We must come to see, as federal courts have consistently affirmed, that it is immoral to urge an

individual to withdraw his efforts to gain his basic constitutional rights because the quest precipitates violence. Society must protect the robbed and punish the robber.

I had also hoped that the white moderate would reject the myth of time. I received a letter this morning from a white brother in Texas which said: "All Christians know that the colored people will receive equal rights eventually, but is it possible that you are in too great of a religious hurry? It has taken Christianity almost 2,000 years to accomplish what it has. The teachings of Christ take time to come to earth." All that is said here grows out of a tragic misconception of time. It is the strangely irrational notion that there is something in the very flow of time that will inevitably cure all ills. Actually time is neutral. It can be used either destructively or constructively. I am coming to feel that the people of ill will have used time much more effectively than the people of good will. We will have to repent in this generation not merely for the vitriolic words and actions of the bad people, but for the appalling silence of the good people. We must come to see that human progress never rolls in on wheels of inevitability. It comes through the tireless efforts and persistent work of men willing to be co-workers with God, and without this hard work time itself becomes an ally of the forces of social stagnation.

We must use time creatively, and forever realize that the time is always ripe to do right. Now is the time to make real the promise of democracy, and transform our pending national elegy into a creative psalm of brotherhood. Now is the time to lift our national policy from the quicksand of racial injustice to the solid rock of human dignity.

You spoke of our activity in Birmingham as extreme. At first I was rather disappointed that fellow clergymen would see my nonviolent efforts as those of the extremist. I started thinking about the fact that I stand in the middle of two opposing forces in the Negro community. One is a force of complacency made up of Negroes who, as a result of long years of oppression, have been so completely drained of self-respect and a sense of "somebodiness" that they have adjusted to segregation, and of a few Negroes in the middle class who, because of a degree of academic and economic security, and because at points they profit by segregation, have unconsciously become insensitive to the problems of the masses. The other force is one of bitterness and hatred and comes perilously close to advocating violence. It is expressed in the various black nationalist groups that are springing up over the nation, the largest and best known being Elijah Muhammad's Muslim movement. This movement is nourished by the contem-

porary frustration over the continued existence of racial discrimination. It is made up of people who have lost faith in America, who have absolutely repudiated Christianity, and who have concluded that the white man is an incurable "devil." I have tried to stand between these two forces saying that we need not follow the "do-nothingism" of the complacent or the hatred and despair of the black nationalist. There is the more excellent way of love and nonviolent protest. I'm grateful to God that, through the Negro church, the dimension of nonviolence entered our struggle. If this philosophy had not emerged I am convinced that by now many streets of the South would be flowing with floods of blood. And I am further convinced that if our white brothers dismiss us as "rabble rousers" and "outside agitators" — those of us who are working through the channels of nonviolent direct action — and refuse to support our nonviolent efforts, millions of Negroes, out of frustration and despair, will seek solace and security in black-nationalist ideologies, a development that will lead inevitably to a frightening racial nightmare.

Oppressed people cannot remain oppressed forever. The urge for freedom will eventually come. This is what has happened to the American Negro. Something within has reminded him of his birthright of freedom; something without has reminded him that he can gain it. Consciously and unconsciously, he has been swept in by what the Germans call the *Zeitgeist*, and with his black brothers of Africa, and his brown and yellow brothers of Asia, South America, and the Caribbean, he is moving with a sense of cosmic urgency toward the promised land of racial justice. Recognizing this vital urge that has engulfed the Negro community, one should readily understand public demonstrations. The Negro has many pent-up resentments and latent frustrations. He has to get them out. So let him march sometime; let him have his prayer pilgrimages to the city hall; understand why he must have sit-ins and freedom rides. If his repressed emotions do not come out in these nonviolent ways, they will come out in ominous expressions of violence. This is not a threat; it is a fact of history. So I have not said to my people, "Get rid of your discontent." But I have tried to say that this normal and healthy discontent can be channeled through the creative outlet of nonviolent direct action. Now this approach is being dismissed as extremist. I must admit that I was initially disappointed in being so categorized.

But as I continued to think about the matter I gradually gained a bit of satisfaction from being considered an extremist. Was not Jesus an extremist in love? "Love your enemies, bless them that curse you, pray for them that despitefully use you." Was not Amos an extremist for justice — "Let justice roll

down like waters and righteousness like a mighty stream." Was not Paul an extremist for the gospel of Jesus Christ — "I bear in my body the marks of the Lord Jesus." Was not Martin Luther an extremist — "Here I stand; I can do none other so help me God." Was not John Bunyan an extremist — "I will stay in jail to the end of my days before I make a butchery of my conscience." Was not Abraham Lincoln an extremist — "This nation cannot survive half slave and half free." Was not Thomas Jefferson an extremist — "We hold these truths to be self-evident, that all men are created equal." So the question is not whether we will be extremist but what kind of extremist will we be. Will we be extremists for hate or will we be extremists for love? Will we be extremists for the preservation of injustice — or will we be extremists for the cause of justice? In that dramatic scene on Calvary's hill three men were crucified. We must never forget that all three were crucified for the same crime — the crime of extremism. Two were extremists for immorality, and thus fell below their environment. The other, Jesus Christ, was an extremist for love, truth, and goodness, and thereby rose above His environment. So, after all, maybe the South, the nation, and the world are in dire need of creative extremists.

I had hoped that the white moderate would see this. Maybe I was too optimistic. Maybe I expected too much. I guess I should have realized that few members of a race that has oppressed another race can understand or appreciate the deep groans and passionate yearnings of those that have been oppressed, and still fewer have the vision to see that injustice must be rooted out by strong, persistent, and determined action. I am thankful, however, that some of our white brothers have grasped the meaning of this social revolution and committed themselves to it. They are still all too small in quantity, but they are big in quality. Some like Ralph McGill, Lillian Smith, Harry Golden, and James Dabbs have written about our struggle in eloquent, prophetic, and understanding terms. Others have marched with us down nameless streets of the South. They have languished in filthy, roach-infested jails, suffering the abuse and brutality of angry policemen who see them as "dirty nigger lovers." They, unlike so many of their moderate brothers and sisters, have recognized the urgency of the moment and sensed the need for powerful "action" antidotes to combat the disease of segregation.

Let me rush on to mention my other disappointment. I have been so greatly disappointed with the white Church and its leadership. Of course there are some notable exceptions. I am not unmindful of the fact that each of you has taken some significant stands on this issue. I commend you, Rev. Stallings,

for your Christian stand on this past Sunday, in welcoming Negroes to your worship service on a non-segregated basis. I commend the Catholic leaders of this state for integrating Spring Hill College several years ago.

But despite these notable exceptions I must honestly reiterate that I have been disappointed with the Church. I do not say that as one of those negative critics who can always find something wrong with the Church. I say it as a minister of the gospel, who loves the Church; who was nurtured in its bosom; who has been sustained by its spiritual blessings and who will remain true to it as long as the cord of life shall lengthen.

I had the strange feeling when I was suddenly catapulted into the leadership of the bus protest in Montgomery several years ago that we would have the support of the white Church. I felt that the white ministers, priests, and rabbis of the South would be some of our strongest allies. Instead, some have been outright opponents, refusing to understand the freedom movement and misrepresenting its leaders; all too many others have been more cautious than courageous and have remained silent behind the anesthetizing security of the stained glass windows.

In spite of my shattered dreams of the past, I came to Birmingham with the hope that the white religious leadership of this community would see the justice of our cause and with deep moral concern, serve as the channel through which our just grievances could get to the power structure. I had hoped that each of you would understand. But again I have been disappointed.

I have heard numerous religious leaders of the South call upon their worshippers to comply with a desegregation decision because it is the law, but I have longed to hear white ministers say follow this decree because integration is morally right and the Negro is your brother. In the midst of blatant injustices inflicted upon the Negro, I have watched white churches stand on the sideline and merely mouth pious irrelevancies and sanctimonious trivialities. In the midst of a mighty struggle to rid our nation of racial and economic injustice, I have heard so many ministers say, "Those are social issues with which the gospel has no real concern," and I have watched so many churches commit themselves to a completely other-worldly religion which made a strange distinction between body and soul, the sacred and the secular.

So here we are moving toward the exit of the twentieth century with a religious community largely adjusted to the status quo, standing as a tail-light

behind other community agencies rather than a headlight leading men to higher levels of justice.

I have traveled the length and breadth of Alabama, Mississippi and all the other southern states. On sweltering summer days and crisp autumn mornings I have looked at her beautiful churches with their spires pointing heavenward. I have beheld the impressive outlay of her massive religious education buildings. Over and over again I have found myself asking: "Who worships here? Who is their God? Where were their voices when the lips of Governor Barnett dripped with words of interposition and nullification? Where were they when Governor Wallace gave the clarion call for defiance and hatred? Where were their voices of support when tired, bruised, and weary Negro men and women decided to rise from the dark dungeons of complacency to the bright hills of creative protest?"

Yes, these questions are still in my mind. In deep disappointment, I have wept over the laxity of the church. But be assured that my tears have been tears of love. There can be no deep disappointment where there is not deep love. Yes, I love the Church; I love her sacred walls. How could I do otherwise? I am in the rather unique position of being the son, the grandson, and the great-grandson of preachers. Yes, I see the Church as the body of Christ. But, oh! How we have blemished and scarred that body through social neglect and fear of being nonconformist.

There was a time when the Church was very powerful. It was during that period when the early Christians rejoiced when they were deemed worthy to suffer for what they believed. In those days the Church was not merely a thermometer that recorded the ideas and principles of popular opinion; it was a thermostat that transformed the mores of society. Wherever the early Christians entered a town the power structure got disturbed and immediately sought to convict them for being "disturbers of the peace" and "outside agitators." But they went on with the conviction that they were "a colony of heaven" and had to obey God rather than man. They were small in number but big in commitment. They were too God-intoxicated to be "astronomically intimidated." They brought an end to such ancient evils as infanticide and gladiatorial contest.

Things are different now. The contemporary Church is so often a weak, ineffectual voice with an uncertain sound. It is so often the arch-supporter of the status quo. Far from being disturbed by the presence of the Church, the power structure of the average community is consoled by the Church's silent and often vocal sanction of things as they are.

But the judgment of God is upon the Church as never before. If the Church of today does not recapture the sacrificial spirit of the early Church, it will lose its authentic ring, forfeit the loyalty of millions, and be dismissed as an irrelevant social club with no meaning for the twentieth century. I am meeting young people every day whose disappointment with the Church has risen to outright disgust.

Maybe again I have been too optimistic. Is organized religion too inextricably bound to the status quo to save our nation and the world? Maybe I must turn my faith to the inner spiritual Church, the church within the Church, as the true ecclesia and the hope of the world. But again I am thankful to God that some noble souls from the ranks of organized religion have broken loose from the paralyzing chains of conformity and joined us as active partners in the struggle for freedom. They have left their secure congregations and walked the streets of Albany, Georgia, with us. They have gone through the highways of the South on torturous rides for freedom. Yes, they have gone to jail with us. Some have been kicked out of their churches and lost the support of their bishops and fellow ministers. But they have gone with the faith that right defeated is stronger than evil triumphant. These men have been the leaven in the lump of the race. Their witness has been the spiritual salt that has preserved the true meaning of the Gospel in these troubled times. They have carved a tunnel of hope through the dark mountain of disappointment.

I hope the Church as a whole will meet the challenge of this decisive hour. But even if the Church does not come to the aid of justice, I have no despair about the future. I have no fear about the outcome of our struggle in Birmingham, even if our motives are presently misunderstood. We will reach the goal of freedom in Birmingham and all over the nation, because the goal of America is freedom. Abused and scorned though we may be, our destiny is tied up with the destiny of America. Before the pilgrims landed at Plymouth, we were here. Before the pen of Jefferson etched across the pages of history the majestic words of the Declaration of Independence, we were here. For more than two centuries our foreparents labored in this country without wages; they made cotton "king"; and they built the homes of their masters in the midst of brutal injustice and shameful humiliation — and yet out of a bottomless vitality they continued to thrive and develop. If the inexpressible cruelties of slavery could not stop us, the opposition we now face will surely fail. We will win our freedom because the sacred heritage of our nation and the eternal will of God are embodied in our echoing demands.

I must close now. But before closing I am impelled to mention one other point in your statement that troubled me profoundly. You warmly commend the Birmingham police force for keeping "order" and "preventing violence." I don't believe you would have so warmly commended the police force if you had seen its angry violent dogs literally biting six unarmed, nonviolent Negroes. I don't believe you would so quickly commend the policemen if you would observe their ugly and inhuman treatment of Negroes here in the city jail; if you would watch them push and curse old Negro women and young Negro girls; if you would see them slap and kick old Negro men and young Negro boys; if you will observe them, as they did on two occasions, refuse to give us food because we wanted to sing our grace together. I'm sorry that I can't join you in your praise for the police department.

It is true that they have been rather disciplined in their public handling of the demonstrators. In this sense they have been rather publicly "nonviolent." But for what purpose? To preserve the evil system of segregation. Over the last few years I have consistently preached that nonviolence demands the means we use must be as pure as the ends we seek. So I have tried to make it clear that it is wrong to use immoral means to attain moral ends. But now I must affirm that it is just as wrong or even more so to use moral means to preserve immoral ends. Maybe Mr. Connor and his policemen have been rather publicly nonviolent, as Chief Pritchett was in Albany, Georgia, but they have used the moral means of nonviolence to maintain the immoral end of flagrant injustice. T. S. Eliot has said that there is no greater treason than to do the right deed for the wrong reason.

I wish you had commended the Negro sit-inners and demonstrators of Birmingham for their sublime courage, their willingness to suffer, and their amazing discipline in the midst of the most inhuman provocation. One day the South will recognize its real heroes. They will be the James Merediths, courageously and with a majestic sense of purpose, facing jeering and hostile mobs and the agonizing loneliness that characterizes the life of the pioneer. They will be old, oppressed, battered Negro women, symbolized in a seventy-two year old woman of Montgomery, Alabama, who rose up with a sense of dignity and with her people decided not to ride the segregated buses, and responded to one who inquired about her tiredness with ungrammatical profundity: "My feets is tired, but my soul is rested." They will be the young high school and college students, young ministers of the gospel and a host of their elders courageously and nonviolently sitting-in at lunch counters and willingly going to jail for con-

science sake. One day the South will know that when these disinherited children of God sat down at lunch counters they were in reality standing up for the best in the American dream and the most sacred values in our Judaeo-Christian heritage, and thus carrying our whole nation back to great wells of democracy which were dug deep by the founding fathers in the formulation of the Constitution and the Declaration of Independence.

Never before have I written a letter this long (or should I say a book?). I'm afraid it is much too long to take your precious time. I can assure you that it would have been much shorter if I had been writing from a comfortable desk, but what else is there to do when you are alone for days in the dull monotony of a narrow jail cell other than write long letters, think strange thoughts, and pray long prayers?

If I have said anything in this letter that is an overstatement of the truth and is indicative of an unrea-

sonable impatience, I beg you to forgive me. If I have said anything in this letter that is an understatement of the truth and is indicative of my having a patience that makes me patient with anything less than brotherhood, I beg God to forgive me.

I hope this letter finds you strong in the faith. I also hope that circumstances will soon make it possible for me to meet each of you, not as an integrationist or a civil rights leader, but as a fellow clergyman and a Christian brother. Let us all hope that the dark clouds of racial prejudice will soon pass away and the deep fog of misunderstanding will be lifted from our fear-drenched communities and in some not too distant tomorrow the radiant stars of love and brotherhood will shine over our great nation with all their scintillating beauty.

Yours for the cause of Peace and Brotherhood,

Martin Luther King, Jr.

For Review and Discussion:

1. King claims that one of the greatest obstacles for racial justice was the hang-wringing white moderate. Evaluate this claim.
2. Research King's popularity during the Civil Rights Movement as compared to today. What does this tell us about figures calling a community to embody a higher moral ideal in general and today?
3. What is King's rationale for disobeying the laws of the land. Evaluate his reasoning.
4. What is the direct action and how is it different from more common forms of protest?
5. King outlines the 4 steps in any non-violent direct action. Name a problem in your society which you think direct action would be necessary to solve and work through the 4 steps. What would that look like for you?
6. Would you be involved with a non-violent protest or engage in civil disobedience? Why or why not and for what causes?

Citation and Use

King, M.L., Jr. (1963). *Letter from The Birmingham City Jail*.

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THE CATEGORICAL IMPERATIVE

Immanuel Kant

Ethics, for Kant (1724 – 1804 CE), is primarily concerned with acting in accordance with the Good Will, actions that we can discover through the Categorical Imperative. Kant has three formulations of this principle:

1. ...act only according to that maxim through which you can at the same time will that it become a universal law.
2. So act that you use humanity, in your own person as well as in the person of any other, always at the same time as an end, never merely as a means.
3. ...every rational being must so act as if he were through his maxim always a lawmaking member in the universal kingdom of ends.

In this short passage, Kant explores the first formulation, first justifying it and then applies it to several cases: suicide, lying, self development, and charity.



Illustrated portrait of Immanuel Kant (1924) by Heinrich Wolff

...Now all imperatives command either hypothetically or categorically. The former represent the practical necessity of a possible action as means to something else that is willed (or at least which one might possibly will). The categorical imperative would be that which represented an action as necessary of itself without reference to another end, i. e., as objectively necessary...Finally, there is an imper-

ative which commands a certain conduct immediately, without having as its condition any other purpose to be attained by it. This imperative is categorical. It concerns not the matter of the action, or its intended result, but its form and the principle of which it is itself a result; and what is essentially good in it consists in the mental disposition, let the consequence be what it may. This imperative may be called

that of morality. There is a marked distinction also between the volitions on these three sorts of principles in the dissimilarity of the obligation of the will. In order to mark this difference more clearly, I think they would be most suitably named in their order if we said they are either rules of skill, or counsels of prudence, or commands (laws) of morality. For it is law only that involves the conception of an unconditional and objective necessity, which is consequently universally valid; and commands are laws which must be obeyed, that is, must be followed, even in opposition to inclination...

There is therefore but one categorical imperative, namely, this:

Act only on that maxim whereby thou canst at the same time will that it should become a universal law.

Now if all imperatives of duty can be deduced from this one imperative as from their principle, then, although it should remain undecided what is called duty is not merely a vain notion, yet at least we shall be able to show what we understand by it and what this notion means. Since the universality of the law according to which effects are produced constitutes what is properly called nature in the most general sense (as to form), that is the existence of things so far as it is determined by general laws, the imperative of duty may be expressed thus: Act as if the maxim of thy action were to become by thy will a universal law of nature.

We will now enumerate a few duties, adopting the usual division of them into duties to ourselves and ourselves and to others, and into perfect and imperfect duties...

Case: Suicide

A man reduced to despair by a series of misfortunes feels wearied of life, but is still so far in possession of his reason that he can ask himself whether it would not be contrary to his duty to himself to take his own life. Now he inquires whether the maxim of his action could become a universal law of nature. His maxim is: "From self-love I adopt it as a principle to shorten my life when its longer duration is likely to bring more evil than satisfaction." It is asked then simply whether this principle founded on self-love can become a universal law of nature. Now we see at once that a system of nature of which it should be a law to destroy life by means of the very feeling whose special nature it is to impel to the improvement of life would contradict itself and, therefore, could not exist as a system of nature; hence that maxim cannot possibly exist as a universal law of

nature and, consequently, would be wholly inconsistent with the supreme principle of all duty.

Case: Lying (Borrowing Money without the Intention to Repay)

Another finds himself forced by necessity to borrow money. He knows that he will not be able to repay it, but sees also that nothing will be lent to him unless he promises stoutly to repay it in a definite time. He desires to make this promise, but he has still so much conscience as to ask himself: "Is it not unlawful and inconsistent with duty to get out of a difficulty in this way?" Suppose however that he resolves to do so: then the maxim of his action would be expressed thus: "When I think myself in want of money, I will borrow money and promise to repay it, although I know that I never can do so." Now this principle of self-love or of one's own advantage may perhaps be consistent with my whole future welfare; but the question now is, "Is it right?" I change then the suggestion of self-love into a universal law, and state the question thus: "How would it be if my maxim were a universal law?" Then I see at once that it could never hold as a universal law of nature, but would necessarily contradict itself. For supposing it to be a universal law that everyone when he thinks himself in a difficulty should be able to promise whatever he pleases, with the purpose of not keeping his promise, the promise itself would become impossible, as well as the end that one might have in view in it, since no one would consider that anything was promised to him, but would ridicule all such statements as vain pretenses.

Case: Self Development

A third finds in himself a talent which with the help of some culture might make him a useful man in many respects. But he finds himself in comfortable circumstances and prefers to indulge in pleasure rather than to take pains in enlarging and improving his happy natural capacities. He asks, however, whether his maxim of neglect of his natural gifts, besides agreeing with his inclination to indulgence, agrees also with what is called duty. He sees then that a system of nature could indeed subsist with such a universal law although men (like the South Sea islanders) should let their talents rest and resolve to devote their lives merely to idleness, amusement, and propagation of their species- in a word, to enjoyment; but he cannot possibly will that this should be a universal law of nature, or be implanted in us as such by a natural instinct. For, as a rational being, he necessarily wills that his faculties be developed, since they serve him and have been given him, for all sorts of possible purposes.

Case: Charity

A fourth, who is in prosperity, while he sees that others have to contend with great wretchedness and that he could help them, thinks: "What concern is it of mine? Let everyone be as happy as Heaven pleases, or as he can make himself; I will take nothing from him nor even envy him, only I do not wish to contribute anything to his welfare or to his assistance in distress!" Now no doubt if such a mode of thinking were a universal law, the human race might very well subsist and doubtless even better than in a state in which everyone talks of sympathy and goodwill, or even takes care occasionally to put it into practice, but, on the other side, also cheats when he can, betrays the rights of men, or otherwise violates them. But although it is possible that a universal law of nature might exist in accordance with that maxim, it is impossible to will that such a principle should have the universal validity of a law of nature. For a will which resolved this would contradict itself, inasmuch as many cases might occur in which one would have need of the love and sympathy of others, and in which, by such a law of nature, sprung from his own will, he would deprive himself of all hope of the aid he desires. These are a few of the many actual duties, or at least what we regard as such, which obviously fall into two classes on the one principle that we have laid down.

We must be able to will that a maxim of our action should be a universal law. This is the canon of the moral appreciation of the action generally. Some actions are of such a character that their maxim cannot without contradiction be even conceived as a universal law of nature, far from it being possible that we should will that it should be so. In others this intrinsic impossibility is not found, but still it is impossible to will that their maxim should be raised to the universality of a law of nature, since such a will would contradict itself. It is easily seen that the former violate strict or rigorous (inflexible) duty; the

latter only laxer (meritorious) duty. Thus it has been completely shown how all duties depend as regards the nature of the obligation (not the object of the action) on the same principle. If now we attend to ourselves on occasion of any transgression of duty, we shall find that we in fact do not will that our maxim should be a universal law, for that is impossible for us; on the contrary, we will that the opposite should remain a universal law, only we assume the liberty of making an exception in our own favor or (just for this time only) in favor of our inclination.

Consequently if we considered all cases from one and the same point of view, namely, that of reason, we should find a contradiction in our own will, namely, that a certain principle should be objectively necessary as a universal law, and yet subjectively should not be universal, but admit of exceptions. As however we at one moment regard our action from the point of view of a will wholly conformed to reason, and then again look at the same action from the point of view of a will affected by inclination, there is not really any contradiction, but an antagonism of inclination to the precept of reason, whereby the universality of the principle is changed into a mere generality, so that the practical principle of reason shall meet the maxim half way. Now, although this cannot be justified in our own impartial judgement, yet it proves that we do really recognize the validity of the categorical imperative and (with all respect for it) only allow ourselves a few exceptions, which we think unimportant and forced from us. We have thus established at least this much, that if duty is a conception which is to have any import and real legislative authority for our actions, it can only be expressed in categorical and not at all in hypothetical imperatives. We have also, which is of great importance, exhibited clearly and definitely for every practical application the content of the categorical imperative, which must contain the principle of all duty if there is such a thing at all.

For Review and Discussion:

1. Do you think Kant is right that we should ignore the consequences of our actions when determining what the right thing to do is? Why or why not?
2. Does the formulation of the Categorical Imperative listed here make for a good top-level moral principle? Explain by way of an example.
3. Kant refers to markets as a means of arguing for his position in the lying case. What do you think lies behind this, does his reasoning work, and are there better examples he might have used?
4. Evaluate Kant's claim that there are never exceptions to moral rules. Can you think

of an example which either showcase the truth or falsity of his claim (including the ax murderer case from [the chapter on Kantian Ethics](#))?

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THE SUFFERING OF AN INNOCENT CHILD

Fyodor Dostoevsky

In this selection from the 4th chapter of *The Brothers Karamazov*, Dostoevsky (1821-1881 CE) uses the harms inflicted upon children as a starting point to discuss failings of God, society, and people. In this reading, there are two brothers who have been reunited via their father's funeral. Alyosha is the younger of the two and is starting his training as a monk.

Ivan is six years older and is deeply troubled by all of the needless suffering in the world. He laments the plight of children and groans for a day that we usher in a world where children (and everyone else) do not have to needlessly suffer.

The title was taken from a line of Ivan's dialogue in the reading.



Portrait of Fyodor Dostoyevsky (1872) by Vasily Perov

Another can never know how much I suffer, because he is another and not. And what's more, a man is rarely ready to admit another's suffering (as though it were a distinction). Why won't he admit it, do you think? Because I smell unpleasant, because I have a stupid face, because I once trod on his foot. Besides, there is suffering and suffering; degrading, humiliating suffering such as humbles me—hunger,

for instance—my benefactor will perhaps allow me; but when you come to higher suffering—for an idea, for instance—he will very rarely admit that, perhaps because my face strikes him as not at all what he fancies a man should have who suffers for an idea. And so he deprives me instantly of his favor, and not at all from badness of heart. Beggars, especially genteel beggars, ought never to show themselves, but to

ask for charity through the newspapers. One can love one's neighbors in the abstract, or even at a distance, but at close quarters it's almost impossible. If it were as on the stage, in the ballet, where if beggars come in, they wear silken rags and tattered lace and beg for alms dancing gracefully, then one might like looking at them. But even then we should not love them. But enough of that. I simply wanted to show you my point of view.

I meant to speak of the suffering of mankind generally, but we had better confine ourselves to the sufferings of the children. That reduces the scope of my argument to a tenth of what it would be. Still we'd better keep to the children, though it does weaken my case. But, in the first place, children can be loved even at close quarters, even when they are dirty, even when they are ugly (I fancy, though, children never are ugly). The second reason why I won't speak of grown-up people is that, besides being disgusting and unworthy of love, they have a compensation—they've eaten the apple and know good and evil, and they have become 'like gods.' They go on eating it still. But the children haven't eaten anything, and are so far innocent. Are you fond of children, Alyosha? I know you are, and you will understand why I prefer to speak of them. If they, too, suffer horribly on earth, they must suffer for their fathers' sins, they must be punished for their fathers, who have eaten the apple; but that reasoning is of the other world and is incomprehensible for the heart of man here on earth. The innocent must not suffer for another's sins, and especially such innocents! [...]

Imagine a trembling mother with her baby in her arms, a circle of invading Turks around her. They've planned a diversion: they pet the baby, laugh to make it laugh. They succeed, the baby laughs. At that moment a Turk points a pistol four inches from the baby's face. The baby laughs with glee, holds out its little hands to the pistol, and he pulls the trigger in the baby's face and blows out its brains. Artistic, wasn't it? By the way, Turks are particularly fond of sweet things, they say." [...]

"Brother, what are you driving at?" asked Alyosha.

"I think if the devil doesn't exist, but man has created him, he has created him in his own image and likeness."

"Just as he did God, then?" observed Alyosha. "'It's wonderful how you can turn words,' as Polonius says in Hamlet," laughed Ivan. "You turn my words against me. Well, I am glad. Yours must be a fine God, if man created Him in his image and likeness. You asked just now what I was driving at. You see, I

am fond of collecting certain facts, and, would you believe, I even copy anecdotes of a certain sort from newspapers and books, and I've already got a fine collection. The Turks, of course, have gone into it, but they are foreigners. I have specimens from home that are even better than the Turks. You know we prefer beating—rods and scourges—that's our national institution. [...]

A well-educated, cultured gentleman and his wife beat their own child with a birch-rod, a girl of seven. I have an exact account of it. The papa was glad that the birch was covered with twigs. 'It stings more,' said he, and so he began stinging his daughter. I know for a fact there are people who at every blow are worked up to sensuality, to literal sensuality, which increases progressively at every blow they inflict. They beat for a minute, for five minutes, for ten minutes, more often and more savagely. The child screams. At last the child cannot scream, it gasps, 'Daddy daddy!' By some diabolical unseemly chance the case was brought into court. A counsel is engaged. The Russian people have long called a barrister 'a conscience for hire.' The counsel protests in his client's defense. 'It's such a simple thing,' he says, 'an everyday domestic event. A father corrects his child. To our shame be it said, it is brought into court.' The jury, convinced by him, give a favorable verdict. The public roars with delight that the torturer is acquitted. Ah, pity I wasn't there! I would have proposed to raise a subscription in his honor! Charming pictures. But I've still better things about children. I've collected a great, great deal about Russian children, Alyosha. There was a little girl of five who was hated by her father and mother, 'most worthy and respectable people, of good education and breeding.' You see, I must repeat again, it is a peculiar characteristic of many people, this love of torturing children, and children only. To all other types of humanity these torturers behave mildly and benevolently, like cultivated and humane Europeans; but they are very fond of tormenting children, even fond of children themselves in that sense. It's just their defenselessness that tempts the tormentor, just the angelic confidence of the child who has no refuge and no appeal, that sets his vile blood on fire. In every man, of course, a demon lies hidden—the demon of rage, the demon of lustful heat at the screams of the tortured victim, the demon of lawlessness let off the chain, the demon of diseases that follow on vice, gout, kidney disease, and so on."

"This poor child of five was subjected to every possible torture by those cultivated parents. They beat her, thrashed her, kicked her for no reason till her body was one bruise. Then, they went to greater refinements of cruelty—shut her up all night in the cold and frost in a privy, and because she didn't ask

to be taken up at night (as though a child of five sleeping its angelic, sound sleep could be trained to wake and ask), they smeared her face and filled her mouth with excrement, and it was her mother, her mother did this. And that mother could sleep, hearing the poor child's groans! Can you understand why a little creature, who can't even understand what's done to her, should beat her little aching heart with her tiny fist in the dark and the cold, and weep her meek unresentful tears to dear, kind God to protect her? Do you understand that, friend and brother, you pious and humble novice? Do you understand why this infamy must be and is permitted? Without it, I am told, man could not have existed on earth, for he could not have known good and evil. Why should he know that diabolical good and evil when it costs so much? Why, the whole world of knowledge is not worth that child's prayer to dear, kind God! I say nothing of the sufferings of grown-up people, they have eaten the apple, damn them, and the devil take them all! But these little ones! [...]

"Listen! I took the case of children only to make my case clearer. Of the other tears of humanity with which the earth is soaked from its crust to its center, I will say nothing. I have narrowed my subject on purpose. I am a bug, and I recognize in all humility that I cannot understand why the world is arranged as it is. Men are themselves to blame, I suppose; they were given paradise, they wanted freedom, and stole fire from heaven, though they knew they would become unhappy, so there is no need to pity them. [...]

All I know is that there is suffering and that there are none guilty; that cause follows effect, simply and directly; that everything flows and finds its level—but that's only Euclidian nonsense, I know that, and I can't consent to live by it! What comfort is it to me that there are none guilty and that cause follows effect simply and directly, and that I know it?

I must have justice, or I will destroy myself. And not justice in some remote infinite time and space, but here on earth, and that I could see myself. I have believed in it. I want to see it, and if I am dead by then, let me rise again, for if it all happens without me, it will be too unfair.

Surely I haven't suffered simply that I, my crimes and my sufferings, may manure the soil of the future harmony for somebody else. I want to see with my own eyes the hind lie down with the lion and the victim rise up and embrace his murderer. I want to be there when everyone suddenly understands what it has all been for. All the religions of the world are built on this longing, and I am a believer. But then

there are the children, and what am I to do about them? That's a question I can't answer.

For the hundredth time I repeat, there are numbers of questions, but I've only taken the children, because in their case what I mean is so unanswerably clear. Listen! If all must suffer to pay for the eternal harmony, what have children to do with it, tell me, please? It's beyond all comprehension why they should suffer, and why they should pay for the harmony. [...] And if it is really true that they must share responsibility for all their fathers' crimes, such a truth is not of this world and is beyond my comprehension. Some jester will say, perhaps, that the child would have grown up and have sinned, but you see he didn't grow up, he was torn to pieces by the dogs, at eight years old.

Oh, Alyosha, I am not blaspheming! I understand, of course, what an upheaval of the universe it will be when everything in heaven and earth blends in one hymn of praise and everything that lives and has lived cries aloud: 'Thou art just, O Lord, for Thy ways are revealed.' When the mother embraces the fiend who threw her child to the dogs, and all three cry aloud with tears, 'Thou art just, O Lord!' then, of course, the crown of knowledge will be reached and all will be made clear. But what pulls me up here is that I can't accept that harmony. And while I am on earth, I make haste to take my own measures. You see, Alyosha, perhaps it really may happen that if I live to that moment, or rise again to see it, I, too, perhaps, may cry aloud with the rest, looking at the mother embracing the child's torturer, 'Thou art just, O Lord!' but I don't want to cry aloud then. While there is still time, I hasten to protect myself, and so I renounce the higher harmony altogether. It's not worth the tears of that one tortured child who beat itself on the breast with its little fist and prayed in its stinking outhouse, with its unexpiated tears to 'dear, kind God!' It's not worth it, because those tears are unatoned for. They must be atoned for, or there can be no harmony. But how? How are you going to atone for them? Is it possible? By their being avenged? But what do I care for avenging them? What do I care for a hell for oppressors? What good can hell do, since those children have already been tortured? And what becomes of harmony, if there is hell?

I want to forgive. I want to embrace. I don't want more suffering. And if the sufferings of children go to swell the sum of sufferings which was necessary to pay for truth, then I protest that the truth is not worth such a price.

I don't want the mother to embrace the oppressor who threw her son to the dogs! She dare not forgive

him! Let her forgive him for herself, if she will, let her forgive the torturer for the immeasurable suffering of her mother's heart. But the sufferings of her tortured child she has no right to forgive; she dare not forgive the torturer, even if the child were to forgive him! And if that is so, if they dare not forgive, what becomes of harmony? Is there in the whole world a being who would have the right to forgive and could forgive?

I don't want harmony. From love for humanity I don't want it. I would rather be left with the unavenged suffering. I would rather remain with my unavenged suffering and unsatisfied indignation, even if I were wrong. Besides, too high a price is asked for harmony; it's beyond our means to pay so much to enter on it. And so I hasten to give back my entrance ticket, and if I am an honest man I am bound to give it back as soon as possible. And that I

am doing. It's not God that I don't accept, Alyosha, only I most respectfully return him the ticket."

"That's rebellion," murmured Alyosha, looking down.

"Rebellion? I am sorry you call it that," said Ivan earnestly. "One can hardly live in rebellion, and I want to live. Tell me yourself, I challenge your answer. Imagine that you are creating a fabric of human destiny with the object of making men happy in the end, giving them peace and rest at last, but that it was essential and inevitable to torture to death only one tiny creature—that baby beating its breast with its fist, for instance—and to found that edifice on its unavenged tears, would you consent to be the architect on those conditions? Tell me, and tell the truth."

"No, I wouldn't consent," said Alyosha softly.

Questions for Discussion

Discuss and react to the implications of the following quotes from the reading. You may want to look at contemporary examples of suffering inflicted on children as a lens through which we might view the reading, ourselves, and society.

1. One can love one's neighbors in the abstract, or even at a distance, but at close quarters it's almost impossible.
2. I think if the devil doesn't exist, but man has created him, he has created him in his own image and likeness.
3. [Concerning children] All I know is that there is suffering and that there are none guilty... I must have justice, or I will destroy myself. And not justice in some remote infinite time and space, but here on earth, and that I could see myself.
4. While it is too long to quote here, but reflect upon and respond to the thought experiment at the very end of the reasoning. What are the implications here?

Citation and Use

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15.

THE VIRTUES

Aristotle

Aristotle, (384-322 BCE) is more interested in how to develop good people rather than merely identifying good actions. The thinking is that good people will naturally act well, just as a good knife cuts well. Here, he outlines a method for determining what sorts of qualities, or virtues, good people should have.

Just as a good knife needs to be sharp, balanced, and so on, good people must need to have certain qualities. Virtues are the mean between two corresponding vices, one of excess and one of privation. Using this method to identify a given virtue, we can then verify the virtue by seeing whether or not it leads to a good and complete life (eudaimonia) in ourselves *and* society.



Aristotle in The School of Athens by Raphael. Notice he is holding his book Ethics.

Book I

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Presumably, however, to say that happiness is the chief good seems a platitude, and a clearer account

of what it is still desired. This might perhaps be given, if we could first ascertain the function of man. For just as for a flute-player, a sculptor, or an artist, and, in general, for all things that have a function or activity, the good and the 'well' is thought to reside in the function, so would it seem to be for man, if

he has a function. Have the carpenter, then, and the tanner certain functions or activities, and has man none? Is he born without a function? Or as eye, hand, foot, and in general each of the parts evidently has a function, may one lay it down that man similarly has a function apart from all these? What then can this be? Life seems to be common even to plants, but we are seeking what is peculiar to man. Let us exclude, therefore, the life of nutrition and growth. Next there would be a life of perception, but it also seems to be common even to the horse, the ox, and every animal. There remains, then, an active life of the element that has a rational principle; of this, one part has such a principle in the sense of being obedient to one, the other in the sense of possessing one and exercising thought. And, as 'life of the rational element' also has two meanings, we must state that life in the sense of activity is what we mean; for this seems to be the more proper sense of the term. Now if the function of man is an activity of soul which follows or implies a rational principle, and if we say 'so-and-so-and' a good so-and-so' have a function which is the same in kind, e.g. a lyre, and a good lyre-player, and so without qualification in all cases, eminence in respect of goodness being added to the name of the function (for the function of a lyre-player is to play the lyre, and that of a good lyre-player is to do so well); if this is the case, and we state the function of man to be a certain kind of life, and this to be an activity or actions of the soul implying a rational principle, and the function of a good man to be the good and noble performance of these, and if any action is well performed when it is performed in accordance with the appropriate excellence: if this is the case, human good turns out to be activity of soul in accordance with virtue, and if there are more than one virtue, in accordance with the best and most complete.

But we must add 'in a complete life.' For one swallow does not make a summer, nor does one day; and so too one day, or a short time, does not make a man blessed and happy...

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We must consider it, however, in the light not only of our conclusion and our premisses, but also of what is commonly said about it; for with a true view all the data harmonize, but with a false one the facts soon clash. Now goods have been divided into three classes, and some are described as external, others as relating to soul or to body; we call those that relate to soul most properly and truly goods, and psychical actions and activities we class as relating to soul. Therefore our account must be sound, at least according to this view, which is an old one and agreed on by philosophers. It is correct also in that

we identify the end with certain actions and activities; for thus it falls among goods of the soul and not among external goods. Another belief which harmonizes with our account is that the happy man lives well and does well; for we have practically defined happiness as a sort of good life and good action. The characteristics that are looked for in happiness seem also, all of them, to belong to what we have defined happiness as being. For some identify happiness with virtue, some with practical wisdom, others with a kind of philosophic wisdom, others with these, or one of these, accompanied by pleasure or not without pleasure; while others include also external prosperity. Now some of these views have been held by many men and men of old, others by a few eminent persons; and it is not probable that either of these should be entirely mistaken, but rather that they should be right in at least some one respect or even in most respects.

With those who identify happiness with virtue or some one virtue our account is in harmony; for to virtue belongs virtuous activity. But it makes, perhaps, no small difference whether we place the chief good in possession or in use, in state of mind or in activity. For the state of mind may exist without producing any good result, as in a man who is asleep or in some other way quite inactive, but the activity cannot; for one who has the activity will of necessity be acting, and acting well. And as in the Olympic Games it is not the most beautiful and the strongest that are crowned but those who compete (for it is some of these that are victorious), so those who act win, and rightly win, the noble and good things in life.

Their life is also in itself pleasant. For pleasure is a state of soul, and to each man that which he is said to be a lover of is pleasant; e.g. not only is a horse pleasant to the lover of horses, and a spectacle to the lover of sights, but also in the same way just acts are pleasant to the lover of justice and in general virtuous acts to the lover of virtue. Now for most men their pleasures are in conflict with one another because these are not by nature pleasant, but the lovers of what is noble find pleasant the things that are by nature pleasant; and virtuous actions are such, so that these are pleasant for such men as well as in their own nature. Their life, therefore, has no further need of pleasure as a sort of adventitious charm, but has its pleasure in itself. For, besides what we have said, the man who does not rejoice in noble actions is not even good; since no one would call a man just who did not enjoy acting justly, nor any man liberal who did not enjoy liberal actions; and similarly in all other cases. If this is so, virtuous actions must be in themselves pleasant. But they are also good and noble, and have each of these attrib-

utes in the highest degree, since the good man judges well about these attributes; his judgement is such as we have described. Happiness then is the best, noblest, and most pleasant thing in the world, and these attributes are not severed as in the inscription at Delos-

Most noble is that which is justest, and best is health;
But pleasantest is it to win what we love.

For all these properties belong to the best activities; and these, or one- the best- of these, we identify with happiness.

Yet evidently, as we said, it needs the external goods as well; for it is impossible, or not easy, to do noble acts without the proper equipment. In many actions we use friends and riches and political power as instruments; and there are some things the lack of which takes the lustre from happiness, as good birth, goodly children, beauty; for the man who is very ugly in appearance or ill-born or solitary and childless is not very likely to be happy, and perhaps a man would be still less likely if he had thoroughly bad children or friends or had lost good children or friends by death. As we said, then, happiness seems to need this sort of prosperity in addition; for which reason some identify happiness with good fortune, though others identify it with virtue...

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...When then should we not say that he is happy who is active in accordance with complete virtue and is sufficiently equipped with external goods, not for some chance period but throughout a complete life? Or must we add 'and who is destined to live thus and die as befits his life'? Certainly the future is obscure to us, while happiness, we claim, is an end and something in every way final. If so, we shall call happy those among living men in whom these conditions are, and are to be, fulfilled- but happy men. So much for these questions....

Book II

i

Virtue, then, being of two kinds, intellectual and moral, intellectual virtue in the main owes both its birth and its growth to teaching (for which reason it requires experience and time), while moral virtue comes about as a result of habit, whence also its name (ethike) is one that is formed by a slight variation from the word ethos (habit). From this it is also plain that none of the moral virtues arises in us by nature; for nothing that exists by nature can form a

habit contrary to its nature. For instance the stone which by nature moves downwards cannot be habituated to move upwards, not even if one tries to train it by throwing it up ten thousand times; nor can fire be habituated to move downwards, nor can anything else that by nature behaves in one way be trained to behave in another. Neither by nature, then, nor contrary to nature do the virtues arise in us; rather we are adapted by nature to receive them, and are made perfect by habit.

Again, of all the things that come to us by nature we first acquire the potentiality and later exhibit the activity (this is plain in the case of the senses; for it was not by often seeing or often hearing that we got these senses, but on the contrary we had them before we used them, and did not come to have them by using them); but the virtues we get by first exercising them, as also happens in the case of the arts as well. For the things we have to learn before we can do them, we learn by doing them, e.g. men become builders by building and lyreplayers by playing the lyre; so too we become just by doing just acts, temperate by doing temperate acts, brave by doing brave acts.

This is confirmed by what happens in states; for legislators make the citizens good by forming habits in them, and this is the wish of every legislator, and those who do not effect it miss their mark, and it is in this that a good constitution differs from a bad one.

Again, it is from the same causes and by the same means that every virtue is both produced and destroyed, and similarly every art; for it is from playing the lyre that both good and bad lyre-players are produced. And the corresponding statement is true of builders and of all the rest; men will be good or bad builders as a result of building well or badly. For if this were not so, there would have been no need of a teacher, but all men would have been born good or bad at their craft. This, then, is the case with the virtues also; by doing the acts that we do in our transactions with other men we become just or unjust, and by doing the acts that we do in the presence of danger, and being habituated to feel fear or confidence, we become brave or cowardly. The same is true of appetites and feelings of anger; some men become temperate and good-tempered, others self-indulgent and irascible, by behaving in one way or the other in the appropriate circumstances. Thus, in one word, states of character arise out of like activities. This is why the activities we exhibit must be of a certain kind; it is because the states of character correspond to the differences between these. It makes no small difference, then, whether we form habits of one kind or of another from our very youth; it makes a very great difference, or rather all the difference...

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...First, then, let us consider this, that it is the nature of such things to be destroyed by defect and excess, as we see in the case of strength and of health (for to gain light on things imperceptible we must use the evidence of sensible things); both excessive and defective exercise destroys the strength, and similarly drink or food which is above or below a certain amount destroys the health, while that which is proportionate both produces and increases and preserves it. So too is it, then, in the case of temperance and courage and the other virtues. For the man who flies from and fears everything and does not stand his ground against anything becomes a coward, and the man who fears nothing at all but goes to meet every danger becomes rash; and similarly the man who indulges in every pleasure and abstains from none becomes self-indulgent, while the man who shuns every pleasure, as boors do, becomes in a way insensible; temperance and courage, then, are destroyed by excess and defect, and preserved by the mean...

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...If it is thus, then, that every art does its work well by looking to the intermediate and judging its works by this standard (so that we often say of good works of art that it is not possible either to take away or to add anything, implying that excess and defect destroy the goodness of works of art, while the mean preserves it; and good artists, as we say, look to this in their work), and if, further, virtue is more exact and better than any art, as nature also is, then virtue must have the quality of aiming at the intermediate. I mean moral virtue; for it is this that is concerned with passions and actions, and in these there is excess, defect, and the intermediate. For instance, both fear and confidence and appetite and anger and pity and in general pleasure and pain may be felt both too much and too little, and in both cases not well; but to feel them at the right times, with reference to the right objects, towards the right people, with the right motive, and in the right way, is what is both intermediate and best, and this is characteristic of virtue. Similarly with regard to actions also there is excess, defect, and the intermediate. Now virtue is concerned with passions and actions, in which excess is a form of failure, and so is defect, while the intermediate is praised and is a form of success; and being praised and being successful are both characteristics of virtue. Therefore virtue is a

kind of mean, since, as we have seen, it aims at what is intermediate.

Again, it is possible to fail in many ways (for evil belongs to the class of the unlimited, as the Pythagoreans conjectured, and good to that of the limited), while to succeed is possible only in one way (for which reason also one is easy and the other difficult- to miss the mark easy, to hit it difficult); for these reasons also, then, excess and defect are characteristic of vice, and the mean of virtue;

For men are good in but one way, but bad in many.

Virtue, then, is a state of character concerned with choice, lying in a mean, i.e. the mean relative to us, this being determined by a rational principle, and by that principle by which the man of practical wisdom would determine it. Now it is a mean between two vices, that which depends on excess and that which depends on defect; and again it is a mean because the vices respectively fall short of or exceed what is right in both passions and actions, while virtue both finds and chooses that which is intermediate. Hence in respect of its substance and the definition which states its essence virtue is a mean, with regard to what is best and right an extreme.

But not every action nor every passion admits of a mean; for some have names that already imply badness, e.g. spite, shamelessness, envy, and in the case of actions adultery, theft, murder; for all of these and suchlike things imply by their names that they are themselves bad, and not the excesses or deficiencies of them. It is not possible, then, ever to be right with regard to them; one must always be wrong. Nor does goodness or badness with regard to such things depend on committing adultery with the right woman, at the right time, and in the right way, but simply to do any of them is to go wrong. It would be equally absurd, then, to expect that in unjust, cowardly, and voluptuous action there should be a mean, an excess, and a deficiency; for at that rate there would be a mean of excess and of deficiency, an excess of excess, and a deficiency of deficiency. But as there is no excess and deficiency of temperance and courage because what is intermediate is in a sense an extreme, so too of the actions we have mentioned there is no mean nor any excess and deficiency, but however they are done they are wrong; for in general there is neither a mean of excess and deficiency, nor excess and deficiency of a mean.

For Review and Discussion:

1. What is the “golden mean” and why is it important for Aristotle’s ethics?

2. What are some virtues that you think are important and why?
3. Can someone ever be *too* rational? Why or why not? What would Aristotle say?

Citation and Use

Aristotle. (1925). NICOMACHEAN ETHICS (W.D. Ross, Trans.). (Original work published circa 350 BCE).

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16.

THE LOWEST DIFFICULTY SETTING THERE IS

John Scalzi

Science fiction author John Scalzi (1969 CE – Present) wrote a post on his personal site about how to talk about privilege without using the word privilege, since the discourse around the term can be so hostile that it prevents people from engaging with the concept, let alone understanding, critiquing, applying and wrestling with it. Because his initial post received 801 comments in under 24 hours, he wrote a follow-up that got 565 comments within a day, and a final reflection that summed up both his thoughts on the subject as well as his experience with the comments. There were several links within his posts, the archived URLs of which can be found in the notes section at the end.



Photo of John Scalzi at the 2018 Phoenix Comic Fest

I've been thinking of a way to explain to straight white men how life works for them, without invoking the dreaded word "privilege," to which they react like vampires being fed a garlic tart at high noon. It's not that the word "privilege" is incorrect, it's that it's not their word. When confronted with "privilege," they fiddle with the word itself, and haul out the dictionaries and find every possible way to talk about the word but not any of the things the word signifies. So, the challenge: how to get across the ideas bound up in the word "privilege," in a way that your average straight white man will get, without freaking out about it? Being a white guy who likes women, here's

how I would do it: Dudes. Imagine life here in the US — or indeed, pretty much anywhere in the Western world — is a massive role playing game, like World of Warcraft except appallingly mundane, where most quests involve the acquisition of money, cell phones and donuts, although not always at the same time. Let's call it The Real World. You have installed The Real World on your computer and are about to start playing, but first you go to the settings tab to bind your keys, fiddle with your defaults, and choose the difficulty setting for the game. Got it?

Okay: In the role playing game known as The Real

World, “Straight White Male” is the lowest difficulty setting there is.

This means that the default behaviors for almost all the non-player characters in the game are easier on you than they would be otherwise. The default barriers for completions of quests are lower. Your leveling-up thresholds come more quickly. You automatically gain entry to some parts of the map that others have to work for. The game is easier to play, automatically, and when you need help, by default it’s easier to get.

Select Difficulty:



Select your life's difficulty level. Plot twist: Your level is assigned via the lottery of birth and cannot be changed.

Now, once you’ve selected the “Straight White Male” difficulty setting, you still have to create a character, and how many points you get to start — and how they are apportioned — will make a difference. Initially the computer will tell you how many points you get and how they are divided up. If you start with 25 points, and your dump stat is wealth, well, then you may be kind of screwed. If you start with 250 points and your dump stat is charisma, well, then you’re probably fine. Be aware the computer makes it difficult to start with more than 30 points; people on higher difficulty settings generally start with even fewer than that.

As the game progresses, your goal is to gain points,

apportion them wisely, and level up. If you start with fewer points and fewer of them in critical stat categories, or choose poorly regarding the skills you decide to level up on, then the game will still be difficult for you. But because you’re playing on the “Straight White Male” setting, gaining points and leveling up will still by default be easier, all other things being equal, than for another player using a higher difficulty setting.

Likewise, it’s certainly possible someone playing at a higher difficulty setting is progressing more quickly than you are, because they had more points initially given to them by the computer and/or their highest stats are wealth, intelligence and constitution and/or simply because they play the game better than you do. It doesn’t change the fact you are still playing on the lowest difficulty setting.

You can lose playing on the lowest difficulty setting. The lowest difficulty setting is still the easiest setting to win on. The player who plays on the “Gay Minority Female” setting? Hardcore.

And maybe at this point you say, hey, I like a challenge, I want to change my difficulty setting! Well, here’s the thing: In The Real World, you don’t unlock any rewards or receive any benefit for playing on higher difficulty settings. The game is just harder, and potentially a lot less fun. And you say, okay, but what if I want to replay the game later on a higher difficulty setting, just to see what it’s like? Well, here’s the other thing about The Real World: You only get to play it once. So why make it more difficult than it has to be? Your goal is to win the game, not make it difficult.

Oh, and one other thing. Remember when I said that you could choose your difficulty setting in The Real World? Well, I lied. In fact, the computer chooses the difficulty setting for you. You don’t get a choice; you just get what gets given to you at the start of the game, and then you have to deal with it.

So that’s “Straight White Male” for you in The Real World (and also, in the real world): The lowest difficulty setting there is. All things being equal, and even when they are not, if the computer — or life — assigns you the “Straight White Male” difficulty setting, then brother, you’ve caught a break.

Questions for Discussion

1. No matter who you are or what your community of origin is, does the very notion of life having various difficulty settings frustrate you?

2. If life in this society is likened to a game, who is the game designer? If you could modify the base code or add in a mod, what would it be and what would be your justification?
3. What changes would be needed to make to the game in order for the difficulty levels to be irrelevant?

Citation and Use

The text was taken from the following work.

John Scalzi, "STRAIGHT WHITE MALE: THE LOWEST DIFFICULTY SETTING THERE IS," Personal Site, Whatever, May 15, 2012, <https://web.archive.org/web/20180215152452/https://whatever.scalzi.com/2012/05/15/straight-white-male-the-lowest-difficulty-setting-there-is/>.

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EXPLAINING WHITE PRIVILEGE TO A BROKE WHITE PERSON

Gina Crosley-Corcoran

Gina Crossley-Crossan writes about her first-hand introduction to privilege, the notion that some people have *unearned* advantages or hardships created by the structure of society and assigned by the lottery of birth.

Often in discussions of privilege, a person can become hostile to the concept because life is sh!ty for them in some way or another, jump starting the "privilege Olympics," which derails the conversation entirely. People can be privileged in some ways and disadvantaged in others.

In examinations of privilege, the goal is not to win at being oppressed, but rather to identify the structural issues disadvantaging people (which are often whitewashed under the rubric of not working hard enough or some other claim that shifts the focus to the *individual* instead of the *structure of society*).



Gina Crosley-Corcoran

Years ago, some feminist on the internet told me I was “Privileged.” “THE FUCK!?!?” I said.

I came from the kind of Poor that people don’t want to believe still exists in this country. Have you ever spent a frigid northern Illinois winter without heat or running water? I have. At twelve years old, were you making ramen noodles in a coffee maker with water you fetched from a public bathroom? I was. Have you ever lived in a camper year-round and used a random relative’s apartment as your mailing address? We did. Did you attend so many different elementary schools that you can only remember a quarter of their names? Welcome to my childhood.

So when that feminist told me I had “white privilege,” I told her that my white skin didn’t do shit to prevent me from experiencing poverty. Then, like any good, educated feminist would, she directed me to Peggy McIntosh’s 1988 now-famous piece, [“White Privilege: Unpacking the Invisible Knapsack.”](#)

After one reads McIntosh’s powerful essay, it’s impossible to deny that being born with white skin in America affords people certain unearned privileges in life that people of another skin color simple are not afforded. For example:

- “I can turn on the television or open to the front page of the paper and see people of my race widely represented.”
- “When I am told about our national heritage or about “civilization,” I am shown that people of

my color made it what it is.”

- “If a traffic cop pulls me over or if the IRS audits my tax return, I can be sure I haven’t been singled out because of my race.”
- “I can if I wish arrange to be in the company of people of my race most of the time.”

If you read through the rest of the list, you can see how white people and people of color experience the world in two very different ways. BUT LISTEN: This is not said to make white people feel guilty about their privilege. It’s not your fault you were born with white skin and experience these privileges. BUT, whether you realize it or not, you DO benefit from it, and it IS your fault if you don’t maintain awareness of that fact.

I do understand McIntosh’s essay may rub some people the wrong way. There are several points on the list that I felt spoke more to the author’s status as a Middle Class person than a White Person. For example:

- “If I should need to move, I can be pretty sure of renting or purchasing housing in an area, which I can afford and in which I would want to live.”
- “I can be pretty sure that my neighbors in such a location will be neutral or pleasant to me.”
- “I can go shopping alone most of the time, pretty well assured that I will not be followed or harassed.”
- “If I want to, I can be pretty sure of finding a publisher for this piece on white privilege.”

And there are so many more points in the essay where the word “race” could be substituted for the word “class” which would ultimately paint a very different picture. That is why I had such a hard time identifying with this essay for so long. When I first wrote about White Privilege years ago, I demanded to know why this White Woman felt that my experiences were the same as hers when no, my family most certainly could not rent housing “in an area which we could afford and want to live.”

And no, I couldn’t go shopping without fear in our low income neighborhoods.



This was a much nicer camper setup than the one we had.

The idea that any ol’ white person can find a publisher for a piece is most certainly a symptom of class privilege. Having come from a family of people who didn’t even graduate high school, who knew not a single academic or intellectual person, it would never occur to me to assume that I could be published. It is an absolute freak anomaly that I’m in graduate school considering not one person on either side of my family has a college degree. And it took me until my thirties to ever believe that someone from my stock could achieve such a thing. Poverty colors nearly everything about your perspective on opportunities for advancement in life. Middle class, educated people assume that anyone can achieve their goals if they work hard enough. Folks steeped in poverty rarely see a life past working at the gas station, making the rent on their trailer, and self-medicating with cigarettes and prescription drugs until they die of a heart attack. (I’ve just described one whole side of my family and the life I assumed I’d be living before I lucked out of it.)

I, maybe more than most people, can completely understand why broke white folks get pissed when the word “Privilege” is thrown around. As a child, I was constantly discriminated against because of my poverty and those wounds still run very deep. But luckily my college education introduced me to a more nuanced concept of Privilege; the term Intersectionality. The concept of Intersectionality recognizes that people can be privileged in some ways and definitely not privileged in others. There are many different types of privilege, not just skin color privilege, that impact the way people can move through the world or are discriminated against. These are all things you are born into, not things you earned, that afford you opportunities others may not have. For example:

- **Citizenship** – Simply being born in this country affords you certain privileges non-citizens will never access.
- **Class**– Being born into a financially stable family can help guarantee your health, happiness, safety, education, intelligence, and future opportunities.
- **Sexual Orientation** – By being born straight, every state in this country affords you privileges that non-straight folks have to fight the Supreme Court for.
- **Sex** – By being born male, you can assume that you can walk through a parking garage without worrying you’ll be raped and that a defense attorney will then blame it on what you were wearing.
- **Ability** – By being born able bodied, you probably don’t have to plan your life around handicap access, braille, or other special needs.
- **Gender** – By being born cisgendered, you aren’t worried that the restroom or locker room you use will invoke public outrage.

As you can see, belonging to one or more category of Privilege, especially being a Straight White Middle Class Able-Bodied Male, can be like winning a lottery you didn’t even know you were playing. But this is not to imply that any form of privilege is exactly the same as another or that people lacking in one area of privilege understand what it’s like to be lacking in other areas. Race discrimination is not equal to Sex Discrimination and so forth.

And listen, recognizing Privilege doesn’t mean suffering guilt or shame for your lot in life. Nobody’s saying that Straight White Middle Class Able-Bodied Males are all a bunch of assholes who don’t work hard for what they have. Recognizing Privilege simply means being aware that some people have to work much harder just to experience the things you

take for granted (if they ever can experience them at all.)

I know now that I AM Privileged in many ways. I am Privileged as a natural born white citizen. I am privileged as a cis-gendered woman. I am privileged as an able-bodied person. I am privileged that my first language is also our national language, and that I was born with an intellect and ambition that pulled me out of the poverty I was otherwise destined for. I was privileged to be able to marry my way “up” by partnering with a Privileged middle-class educated male who fully expected me to earn a college degree.

There are a million ways I experience Privilege, and some that I certainly don’t. But thankfully, Intersectionality allows us to examine these varying dimensions and degrees of discrimination while raising awareness of the results of multiple systems of oppression at work.

Tell me, are you a White Person made uncomfortable by the term “White Privilege?”

Does a more nuanced approach help you see your own Privilege more clearly?

Questions for Discussion

1. What is intersectionality for Crosley-Corcoran? What is privilege?
2. What cultural baggage do the two terms have for you? Where do you think this comes from and is the baggage legitimate?
3. How have you seen disadvantaged peoples pitted against one another when a much more effective approach would be to unify those peoples and point them towards reworking society to where neither group is marginalized?
4. What are the implications of a person or society denying the notions of intersectionality and privilege?
5. If applicable, engage the two questions at the end of this reading.

Citation and Use

The text was taken from the following work.

Gina Crosley-Corcoran, “EXPLAINING WHITE PRIVILEGE TO A BROKE WHITE PERSON...,” The Feminist Breeder, November 20, 2013, <https://web.archive.org/web/20171112011917/http://thefeministbreeder.com/explaining-white-privilege-broke-white-person/>.

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18.

EXCOMMUNICATE ME FROM THE CHURCH OF SOCIAL JUSTICE

Francis Lee

Activist and writer Francis Lee wrote the following as they had become increasingly “fed up with the impossible, dogmatic standards of activist culture.”¹

In these this short essay, Lee reflects upon purity politics, virtue signaling, tactics, coalition building, among other topics. Francis notices a parallel between cultural expectations and policing within activist culture and fundamentalist religion.

While Lee is decidedly leftward of what mainstream politics would call “left”, their discussion is valuable for anyone looking to build and maintain movements.



Frances Lee

There is a particularly aggressive strand of social justice activism weaving in and out of my Seattle community that has troubled me, silenced my loved ones, and turned away potential allies. I believe in justice. I believe in liberation. I believe it is our duty to obliterate white supremacy,² anti-blackness,³ cisheteropatriarchy,⁴ capitalism,⁴ and imperialism.⁵ And I also believe there should be openness around the tactics we use and ways our commitments are manifested. Beliefs and actions are too often conflated with each other, yet questioning the latter does not renege the former. As a Cultural Studies

scholar, I am interested in the ways that culture does the work of power. What then, is the culture of activism, and in what ways are activists restrained by it? To be clear, I'm only one person who doesn't know everything, and I'm open to revisions and learning. But as someone who has spent the last decade recovering from a forced conversion to evangelical Christianity, I'm seeing a disturbing parallel between religion and activism in the presence of dogma:

1. Seeking Purity

There is an underlying current of fear in my activist communities, and it is separate from the daily fear of police brutality, eviction, discrimination, and street harassment. It is the fear of appearing impure. Social death follows when being labeled a “bad” activist or simply “problematic” enough times. I’ve had countless hushed conversations with friends about this anxiety and how it has led us to refrain from participation in activist events, conversations, and spaces because we feel inadequately radical. I actually don’t prefer to call myself an activist, because I don’t fit the traditional mold of the public figure marching in the streets and interrupting business as usual. When I was a Christian, all I could think about was being good, showing goodness, and proving to my parents and my spiritual leaders that I was on the right path to God. All the while, I believed I would never be good enough, so I had to strain for the rest of my life toward an impossible destination of perfection.

I feel compelled to do the same things as an activist a decade later. I self-police what I say in activist spaces. I stopped commenting on social media with questions or pushback on leftist opinions for fear of being called out. I am always ready to apologize for anything I do that a community member deems wrong, oppressive, or inappropriate—no questions asked. The amount of energy I spend demonstrating purity in order to stay in the good graces of a fast-moving activist community is enormous. Activists are some of the judgiest people I’ve ever met, myself included. There’s so much wrongdoing in the world that we work to expose. And yet, grace and forgiveness is hard to come by in the broader community. At times, I have found myself performing activism more than doing activism. I’m exhausted, and I’m not even doing the real work I am committed to do. The quest for political purity is a treacherous distraction for well-intentioned activists.

2. Reproducing Colonialist Logics

Postcolonialist black Caribbean philosopher Frantz Fanon in his 1961 book *Wretched of the Earth* writes about the volatile relationship between the colonizer and the colonized and the conditions of decolonization. In it, he sharply warns the colonized against reproducing and maintaining the oppressive systems of colonization by replacing those at the top by those previously at the bottom after a successful revolution.

As a QTPOC (queer trans person of color), I have experienced discrimination and rejection due to who I am. I have sought out QTPOC-only spaces to heal, find others like me, and celebrate our differences.

Those spaces and relationships have saved me from despair time and time again. And yet, I reject QTPOC supremacy, the idea that QTPOCs or any other marginalized groups deserve to dominate society. The experience of oppression does not grant supremacy, in the same way that being a powerful colonizer does not. Justice will never look like supremacy. I wish for a new societal order that does not revolve around relations of power and domination.

3. Preaching/Punishments

Telling people what to do and how to live out their lives is endemic to religious and to dogmatic activism. It’s not that my comrades are the bosses of me, but that dogmatic activism creates an environment that encourages people to tell other people what to do. This is especially prominent on Facebook. Scrolling through my news feed sometimes feels like sliding into a pew to be blasted by a fragmented, frenzied sermon. I know that much of the media posted there means to discipline me to be a better activist and community member. But when dictates aren’t followed, a common procedure of punishment ensues. Punishments for saying/doing/believing the wrong thing include shaming, scolding, calling out, isolating, or eviscerating someone’s social standing. Discipline and punishment have been used for all of history to control and destroy people. Why is it being used in movements meant to liberate all of us? We all have made serious mistakes and hurt other people, intentionally or not. We get a chance to learn from them when those around us respond with kindness and patience. Where is our humility when examining the mistakes of others? Why do we position ourselves as morally superior to the lowly un-woke? Who of us came into the world fully awake?

4. Sacred Texts

There are also some online publications for dogmatic activism that could be considered sacred texts. For example, the intersectional site *Everyday Feminism* receives millions of views a month. It features more than 40 talented writers who pen essays on a wide range of anti-oppression topics, zeroing in on ones that haven’t yet broached larger activist conversations online. When *Everyday Feminism* articles are shared among my friends, I feel both grateful that the conversation is sparking and also very belittled. Nearly all of their articles follow a standard structure: an instructive title, a list of problematic or suggested behaviors, and a final statement of hard opinion. The titles, the educational tone, and the prescriptive checklists contribute to the idea that there is only one way to think about and do activism.

And it's a swiftly moving target that is always just out of reach. In trying to liberate readers from the legitimately oppressive structures, I worry that sites like Everyday Feminism are replacing them with equally restrictive orthodoxy on the other end of the political spectrum.

Have I extricated myself from a church to find myself confined in another?

At this year's Allied Media Conference, BLM co-founder Alicia Garza gave an explosive speech to a theatre full of brilliant and passionate organizers. She urged us to set aside our distrust and critique of newer activists and accept that they will hurt and disappoint you. Don't shut them out because their politics are outdated or they don't wield the same language. If we are interested in building mass movements to destroy mass oppression, our movements must include people not like us, people with whom we will never fully agree, and people with whom we have conflict. That's a much higher calling than railing at people from a distance and labeling them as wrong. Ultimately, according to Garza, building a movement is about restoring humanity to all of us, even to those of us who have been inhu-

mane. Movements are where people are called to be transformed in service of liberation of themselves and others.

I want to spend less time antagonizing and more time crafting alternative futures where we don't have to fight each other for resources and care. For an introvert like me, that may be shifting my activism towards small scale projects and recognizing personal relationships as locations of mutual transformation. It might mean carefully choosing whether I want to be part of public disruptions or protests, and feeling OK about my decisions. It may mean drawing attention to the ways in which other people in the margins have been living out activism, even if no one has ever called it that. It might mean building long-term relationships with those outside my safe and exclusive community. It means ceasing to "other" people. It means honoring their humanity, in spite of their hurtful political beliefs and violent actions. It means seeing them as individuals, not ideologies or systems. It means acknowledging their agency to act justly. It means inviting them to be with us in love, and pushing through rejection. Otherwise, I'm not sure how I can sustain this work for the rest of my life.

Questions for Discussion

1. In whatever groups you belong to, have you seen any of the issues Lee discusses here?
2. If these things are present in any of the communities you belong to, what steps should be taken to address them?
3. Does the presence of these features deligitimate the communities in which these things are occurring?

Citation and Use

The text was taken from the following work.

Frances Lee, "EXCOMMUNICATE ME FROM THE CHURCH OF SOCIAL JUSTICE," 2017, <https://www.autostraddle.com/kin-aesthetics-excommunicate-me-from-the-church-of-social-justice-386640/>.

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Notes

Media Attributions

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Notes

1. This language was taken from Lee's homepage: .
2. This is the notion that whiteness, a historical social construct that pervades our society, controls centers of power at the expense of those encoded as non-white. One can be a beneficiary of white supremacy without being a signatory to it.
3. This is a term that denotes the preferential treatment and entrenchment of cis gendering (vs. trans-gendering), heterosexuality (vs. homosexuality), and patriarchy (vs. egalitarianism, also known as feminism).
4. Here, Lee is not merely referring to doing business or the presence of markets, but the notion that the lens of capitalism as a way of mythologizing each one of us, each of our relations, and the natural world within which we live.
5. This is the idea that there is a hierarchy of societies, races, cultures, ethnicities, and that there is a natural right, perhaps an ethical demand, for the powerful societies to dominate and exploit the other societies for profit, power, and prestige.

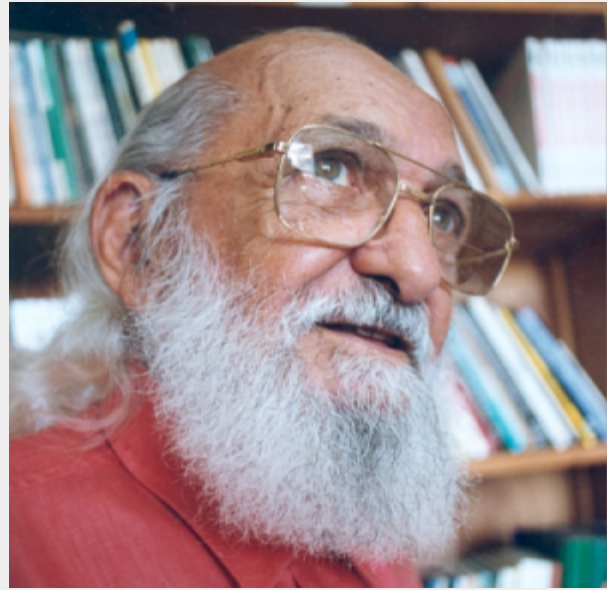
19.

HUMANIZATION AND LIBERATION

Paulo Freire

This reading is a collection of short passages from Paulo Freire's *Pedagogy of the Oppressed*. Freire's work has been one of the most influential works on education in the twentieth century. These passages sketch out his thinking on the oppressed-oppressor relationship, possible paths towards the liberation/humanization of both groups, rejection of the "banking model of education", and the distinction between false and genuine generosity.

The notions of oppression and liberation are explored with humanization and dehumanization in mind. Freire exhorts us to be watchful for false generosity which only serves to replicate the need for charity and does not change society such that charity is no longer necessary. Finally, he stresses the role of the oppressed in the project of liberation they must resist the urge to reverse the oppressor-oppressed relation and must be included in the liberation process.



Portrait of Paulo Freire

While the problem of **humanization** has always, from an axiological point of view, been humankind's central problem, it now takes on the character of an inescapable concern.¹ Concern for humanization leads at once to the recognition of **dehumanization**, not only as an ontological possibility but as an historical reality. And as an individual perceives the extent of dehumanization, he or she may ask if humanization is a viable possibility. Within history, in concrete, objective contexts, both humanization and dehumanization are possibilities for a person as an uncompleted being conscious of their incompleteness. But while both humanization and dehumanization are real alternatives, only the first is the people's vocation. This vocation is constantly negated, yet it is affirmed by that very negation. It is thwarted by injustice, exploitation, oppression, and the violence of the oppressors; it is affirmed by the yearning of the oppressed for freedom and justice, and by their struggle to recover their lost humanity.

Dehumanization, which marks not only those whose humanity has been stolen, but also (though in a different way) those who have stolen it, is a *distortion* of the vocation of becoming more fully human. This distortion occurs within history; but it is not an historical vocation. Indeed, to admit of dehumanization as an historical vocation would lead either to cynicism or total despair. The struggle for humanization, for the emancipation of labor, for the overcoming of alienation, for the affirmation of men and women as persons would be meaningless. This struggle is

possible only because dehumanization, although a concrete historical fact, is *not* a given destiny but the result of an unjust order that engenders violence in the oppressors, which in turn dehumanizes the oppressed.

Because it is a distortion of being more fully human, sooner or later being less human leads the oppressed to struggle against those who made them so. In order for this struggle to have meaning, the oppressed must not, in seeking to regain their humanity (which is a way to create it), become in turn oppressors of the oppressors, but rather restorers of the humanity of both.

This, then, is the great humanistic and historical task of the **oppressed**: to liberate themselves and their **oppressors** as well. The oppressors, who oppress, exploit, and rape by virtue of their power, cannot find in this power the strength to liberate either the oppressed or themselves. Only power that springs from the weakness of the oppressed will be sufficiently strong to free both. Any attempt to "soften" the power of the oppressor in deference to the weakness of the oppressed almost always manifests itself in the form of false generosity; indeed, the attempt never goes beyond this. In order to have the continued opportunity to express their "generosity," the oppressors must perpetuate injustice as well. An unjust social order is the permanent fount of this "generosity," which is nourished by death, despair, and poverty. That is why the dispensers of

false generosity become desperate at the slightest threat to its source,

True generosity consists precisely in fighting to destroy the causes which nourish false charity. False charity constrains the fearful and subdued, the “rejects of life,” to extend their trembling hands. True generosity lies in striving so that these hands—whether of individuals or entire peoples—need be extended less and less in supplication, so that more and more they become human hands which work and, working, transform the world.

This lesson and this apprenticeship must come, however, from the oppressed themselves and from those who are truly solidary with them. As individuals or as peoples, by fighting for the restoration of their humanity they will be attempting the restoration of true generosity.

- Who are better prepared than the oppressed to understand the terrible significance of an oppressive society?
- Who suffer the effects of oppression more than the oppressed?
- Who can better understand the necessity of liberation?

They will not gain this liberation by chance but through the praxis of their quest for it, through their recognition of the necessity to fight for it. And this fight, because of the purpose given it by the oppressed, will actually constitute an act of love opposing the lovelessness which lies at the heart of the oppressors’ violence, lovelessness even when clothed in false generosity.

But almost always, during the initial stage of the struggle, the oppressed, instead of striving for liberation, tend themselves to become oppressors, or “sub-oppressors.” The very structure of their thought has been conditioned by the contradictions of the concrete, existential situation by which they were shaped. Their ideal is to be men; but for them, to be men is to be oppressors. This is their model of humanity. This phenomenon derives from the fact that the oppressed, at a certain moment of their existential experience, adopt an attitude of “adhesion” to the oppressor. Under these circumstances they cannot “consider” him sufficiently clearly to objectivize him—to discover him “outside” themselves. This does not necessarily mean that the oppressed are unaware that they are downtrodden. But their perception of themselves as oppressed is impaired by their submersion in the reality of oppression. At this level, their perception of themselves as opposites of the oppressor does not yet signify engagement in a struggle to overcome the

contradiction;² the one pole aspires not to liberation, but to identification with its opposite pole.

In this situation the oppressed do not see the “new man” as the person to be born from the resolution of this contradiction, as oppression gives way to liberation. For them, the new man or woman themselves become oppressors. Their vision of the new man or woman is individualistic; because of their identification with the oppressor, they have no consciousness of themselves as persons or as members of an oppressed class. It is not to become free that they want agrarian reform, but in order to acquire land and thus become landowners—or, more precisely, bosses over other workers. It is a rare peasant who, once “promoted” to overseer, does not become more of a tyrant towards his former comrades than the owner himself. This is because the context of the peasant’s situation, that is, oppression, remains unchanged. In this example, the overseer, in order to make sure of his job, must be as tough as the owner—and more so. Thus is illustrated our previous assertion that during the initial stage of their struggle the oppressed find in the oppressor their model of “manhood.”

Even revolution, which transforms a concrete situation of oppression by establishing the process of liberation, must confront this phenomenon. Many of the oppressed who directly or indirectly participate in revolution intend—conditioned by the myths of the old order—to make it their private revolution. The shadow of their former oppressor is still cast over them.

The “fear of freedom” which afflicts the oppressed,³ a fear which may equally well lead them to desire the role of oppressor or bind them to the role of oppressed, should be examined. One of the basic elements of the relationship between oppressor and oppressed is *prescription*. Every prescription represents the imposition of one individual’s choice upon another, transforming the consciousness of the person prescribed to into one that conforms with the prescriber’s consciousness. Thus, the behavior of the oppressed is a prescribed behavior, following as it does the guidelines of the oppressor.

The oppressed, having internalized the image of the oppressor and adopted his guidelines, are fearful of freedom. Freedom would require them to eject this image and replace it with autonomy and responsibility. Freedom is acquired by conquest, not by gift. It must be pursued constantly and responsibly. Freedom is not an ideal located outside of man; nor is it an idea which becomes myth. It is rather the indispensable condition for the quest for human completion.

To surmount the situation of oppression, people must first critically recognize its causes, so that through transforming action they can create a new situation, one which makes possible the pursuit of a fuller humanity. But the struggle to be more fully human has already begun in the authentic struggle to transform the situation. Although the situation of oppression is a dehumanized and dehumanizing totality affecting both the oppressors and those whom they oppress, it is the latter who must, from their stifled humanity, wage for both the struggle for a fuller humanity; the oppressor, who is himself dehumanized because he dehumanizes others, is unable to lead this struggle.

However, the oppressed, who have adapted to the structure of domination in which they are immersed, and have become resigned to it, are inhibited from waging the struggle for freedom so long as they feel incapable of running the risks it requires. Moreover, their struggle for freedom threatens not only the oppressor, but also their own oppressed comrades who are fearful of still greater repression. When they discover within themselves the yearning to be free, they perceive that this yearning can be transformed into reality only when the same yearning is aroused in their comrades. But while dominated by the fear of freedom they refuse to appeal to others, or to listen to the appeals of others, or even to the appeals of their own conscience. They prefer gregariousness to authentic comradeship; they prefer the security of conformity with their state of unfreedom to the creative communion produced by freedom and even the very pursuit of freedom. [...]

The central problem is this: How can the oppressed, as divided, unauthentic beings, participate in developing the pedagogy of their liberation? Only as they discover themselves to be "hosts" of the oppressor can they contribute to the midwifery of their liberating pedagogy. As long as they live in the duality in which *to be is to be like*, and *to be like is to be like the oppressor*, this contribution is impossible. The pedagogy of the oppressed is an instrument for their critical discovery that both they and their oppressors are manifestations of dehumanization.

Liberation is thus a childbirth, and a painful one. The man or woman who emerges is a new person, viable only as the oppressor-oppressed contradiction is superseded by the humanization of all people. Or to put it another way, the solution of this contradiction is born in the labor which brings into the world this new being: no longer oppressor nor longer oppressed, but human in the process of achieving freedom.

This solution cannot be achieved in idealistic terms.

In order for the oppressed to be able to wage the struggle for their liberation, they must perceive the reality of oppression not as a closed world from which there is no exit, but as a limiting situation which they can transform. This perception is a necessary but not a sufficient condition for liberation; it must become the motivating force for liberating action. Nor does the discovery by the oppressed that they exist in dialectical relationship to the oppressor, as his antithesis—that without them the oppressor could not exist⁴—in itself constitute liberation. The oppressed can overcome the contradiction in which they are caught only when this perception enlists them in the struggle to free themselves.

The same is true with respect to the individual oppressor as a person. Discovering himself to be an oppressor may cause considerable anguish, but it does not necessarily lead to solidarity with the oppressed. Rationalizing his guilt through paternalistic treatment of the oppressed, all the while holding them fast in a position of dependence, will not do. Solidarity requires that one enter into the situation of those with whom one is solidarity; it is a radical posture. If what characterizes the oppressed is their subordination to the consciousness of the master, as Hegel affirms,⁵ true solidarity with the oppressed means fighting at their side to transform the objective reality which has made them these "beings for another." The oppressor is solidary with the oppressed only when he stops regarding the oppressed as an abstract category and sees them as persons who have been unjustly dealt with, deprived of their voice, cheated in the sale of their labor—when he stops making pious, sentimental, and individualistic gestures and risks an act of love. True solidarity is found only in the plenitude of this act of love, in its existentiality, in its praxis. To affirm that men and women are persons and as persons should be free, and yet to do nothing tangible to make this affirmation a reality, is a farce.

[...]

To deny the importance of subjectivity in the process of transforming the world and history is naïve and simplistic. It is to admit the impossible: a world without people. This objectivistic position is as ingenuous as that of subjectivism, which postulates people without a world. World and human beings do not exist apart from each other, they exist in constant interaction. Marx does not espouse such a dichotomy, nor does any other critical, realistic thinker. What Marx criticized and scientifically destroyed was not subjectivity, but subjectivism and psychologism. Just as objective social reality exists not by chance, but as the product of human action, so it is not transformed by chance. If humankind

produce social reality (which in the “inversion of the praxis” turns back upon them and conditions them), then transforming that reality is an historical task, a task for humanity.

Reality which becomes oppressive results in the contradistinction of men as oppressors and oppressed. The latter, whose task it is to struggle for their liberation together with those who show true solidarity, must acquire a critical awareness of oppression through the praxis of this struggle. One of the gravest obstacles to the achievement of liberation is that oppressive reality absorbs those within it and thereby acts to submerge human beings’ consciousness.⁶ Functionally, oppression is domesticating. To no longer be prey to its force, one must emerge from it and turn upon it. This can be done only by means of the praxis: reflection and action upon the world in order to transform it.

[...]

In dialectical thought, world and action are intimately interdependent. But action is human only when it is not merely an occupation but also a pre-occupation, that is, when it is not dichotomized from reflection. Reflection, which is essential to action, is implicit in Lukács’ requirement of “explaining to the masses their own action,” just as it is implicit in the purpose he attributes to this explanation: that of “consciously activating the subsequent development of experience.”

For us, however, the requirement is seen not in terms of explaining to, but rather dialoguing with the people about their actions. In any event, no reality transforms itself,⁹ and the duty which Lukács ascribes to the revolutionary party of “explaining to the masses their own action” coincides with our affirmation of the need for the critical intervention of the people in reality through the praxis. The pedagogy of the oppressed, which is the pedagogy of people engaged in the fight for their own liberation, has its roots here. And those who recognize, or begin to recognize, themselves as oppressed must be among the developers of this pedagogy. No pedagogy which is truly liberating can remain distant from the oppressed by treating them as unfortunates and by presenting for their emulation models from among the oppressors. The oppressed must be their own example in the struggle for their redemption.

The pedagogy of the oppressed, animated by authentic, humanist (not humanitarian) generosity, presents itself as a pedagogy of humankind. Pedagogy which begins with the egoistic interests of the oppressors (an egoism cloaked in the false generosity of paternalism) and makes of the oppressed the

objects of its humanitarianism, itself maintains and embodies oppression. It is an instrument of dehumanization. This is why, as we affirmed earlier, the pedagogy of the oppressed cannot be developed or practiced by the oppressors. It would be a contradiction in terms if the oppressors not only defended but actually implemented a liberating education.

[...]

The pedagogy of the oppressed, as a humanist and libertarian pedagogy, has two distinct stages. In the first, the oppressed unveil the world of oppression and through the praxis commit themselves to its transformation. In the second stage, in which the reality of oppression has already been transformed, this pedagogy ceases to belong to the oppressed and becomes a pedagogy of all people in the process of permanent liberation. In both stages, it is always through action in depth that the culture of domination is culturally confronted. In the first stage this confrontation occurs through the change in the way the oppressed perceive the world of oppression; in the second stage, through the expulsion of the myths created and developed in the old order, which like specters haunt the new structure emerging from the revolutionary transformation.

The pedagogy of the first stage must deal with the problem of the oppressed consciousness and the oppressor consciousness, the problem of men and women who oppress and men and women who suffer oppression. It must take into account their behavior, their view of the world, and their ethics. A particular problem is the duality of the oppressed: they are contradictory, divided beings, shaped by and existing in a concrete situation of oppression and violence.

Any situation in which “A” objectively exploits “B” or hinders his and her pursuit of self-affirmation as a responsible person is one of oppression. Such a situation in itself constitutes violence, even when sweetened by false generosity, because it interferes with the individual’s ontological and historical vocation to be more fully human. With the establishment of a relationship of oppression, violence has *already* begun. Never in history has violence been initiated by the oppressed. How could they be the initiators, if they themselves are the result of violence? How could they be the sponsors of something whose objective inauguration called forth their existence as oppressed? There would be no oppressed had there been no prior situation of violence to establish their subjugation.

Violence is initiated by those who oppress, who exploit, who fail to recognize others as persons—not by those who are oppressed, exploited, and unrecog-

nized. It is not the unloved who initiate disaffection, but those who cannot love because they love only themselves. It is not the helpless, subject to terror, who initiate terror, but the violent, who with their power create the concrete situation which begets the "rejects of life." It is not the tyrannized who initiate despotism, but the tyrants. It is not the despised who initiate hatred, but those who despise. It is not those whose humanity is denied them who negate humankind, but those who denied that humanity (thus negating their own as well). Force is used not by those who have become weak under the preponderance of the strong, but by the strong who have emasculated them.

For the oppressors, however, it is always the oppressed (whom they obviously never call "the oppressed" but—depending on whether they are fellow countrymen or not—"those people" or "the blind and envious masses" or "savages" or "natives" or "subversives") who are disaffected, who are "violent," "barbaric," "wicked," or "ferocious" when they react to the violence of the oppressors.

Yet it is—paradoxical though it may seem—precisely in the response of the oppressed to the violence of their oppressors that a gesture of love may be found. Consciously or unconsciously, the act of rebellion by the oppressed (an act which is always, or nearly always, as violent as the initial violence of the oppressors) can initiate love. Whereas the violence of the oppressors prevents the oppressed from being fully human, the response of the latter to this violence is grounded in the desire to pursue the right to be human. As the oppressors dehumanize others and violate their rights, they themselves also become dehumanized. As the oppressed, fighting to be human, take away the oppressors' power to dominate and suppress, they restore to the oppressors the humanity they had lost in the exercise of oppression.

It is only the oppressed who, by freeing themselves, can free their oppressors. The latter, as an oppressive class, can free neither others nor themselves. It is therefore essential that the oppressed wage the struggle to resolve the contradiction in which they are caught; and the contradiction will be resolved by the appearance of the new man: neither oppressor nor oppressed, but man in the process of liberation. If the goal of the oppressed is to become fully human, they will not achieve their goal by merely reversing the terms of the contradiction, by simply changing poles.

This may seem simplistic; it is not. Resolution of the oppressor-oppressed contradiction indeed implies the disappearance of the oppressors as a dominant class. However, the restraints imposed by the former

oppressed on their oppressors, so that the latter cannot reassume their former position, do not constitute *oppression*. An act is oppressive only when it prevents people from being more fully human. Accordingly, these necessary restraints do not *in themselves* signify that yesterday's oppressed have become today's oppressors. Acts which prevent the restoration of the oppressive regime cannot be compared with those which create and maintain it, cannot be compared with those by which a few men and women deny the majority their right to be human.

However, the moment the new regime hardens into a dominating "bureaucracy"⁷ the humanist dimension of the struggle is lost and it is no longer possible to speak of liberation. Hence our insistence that the authentic solution of the oppressor-oppressed contradiction does not lie in a mere reversal of position, in moving from one pole to the other. Nor does it lie in the replacement of the former oppressors with new ones who continue to subjugate the oppressed—all in the name of their liberation.

But even when the contradiction is resolved authentically by a new situation established by the liberated laborers, the former oppressors do not feel liberated. On the contrary, they genuinely consider themselves to be oppressed. Conditioned by the experience of oppressing others, any situation other than their former seems to them like oppression. Formerly, they could eat, dress, wear shoes, be educated, travel, and hear Beethoven; while millions did not eat, had no clothes or shoes, neither studied nor traveled, much less listened to Beethoven. Any restriction on this way of life, in the name of the rights of the community, appears to the former oppressors as a profound violation of their individual rights—although they had no respect for the millions who suffered and died of hunger, pain, sorrow, and despair. For the oppressors, "human beings" refers only to themselves; other people are "things." For the oppressors, there exists only one right: their right to live in peace, over against the right, not always even recognized, but simply conceded, of the oppressed to survival. And they make this concession only because the existence of the oppressed is necessary to their own existence.

This behavior, this way of understanding the world and people (which necessarily makes the oppressors resist the installation of a new regime) is explained by their experience as a dominant class. Once a situation of violence and oppression has been established, it engenders an entire way of life and behavior for those caught up in it—oppressors and oppressed alike. Both are submerged in this situation, and both bear the marks of oppression. Analysis of existential situations of oppression reveals

that their inception lay in an act of violence—initiated by those with power. This violence, as a process, is perpetuated from generation to generation of oppressors, who become its heirs and are shaped in its climate. This climate creates in the oppressor a strongly possessive consciousness—possessive of the world and of men and women. Apart from direct, concrete, material possession of the world and of people, the oppressor consciousness could not understand itself—could not even exist. Fromm said of this consciousness that, without such possession, “it would lose contact with the world.” The oppressor consciousness tends to transform everything surrounding it into an object of its domination. The earth, property, production, the creations of people, people themselves, time—everything is reduced to the status of objects at its disposal.

In their unrestrained eagerness to possess, the oppressors develop the conviction that it is possible for them to transform everything into objects of their purchasing power; hence their strictly materialistic concept of existence. Money is the measure of all things, and profit the primary goal. For the oppressors, what is worthwhile is to have more—always more—even at the cost of the oppressed having less or having nothing. For them, *to be is to have* and to be the class of the “haves.”

As beneficiaries of a situation of oppression, the oppressors cannot perceive that if *having* is a condition of *being*, it is a necessary condition for all women and men. This is why their generosity is false. Humanity is a “thing,” and they possess it as an exclusive right, as inherited property. To the oppressor consciousness, the humanization of the “others,” of the people, appears not as the pursuit of full humanity, but as subversion.

The oppressors do not perceive their monopoly on *having more* as a privilege which dehumanizes others and themselves. They cannot see that, in the egoistic pursuit of *having* as a possessing class, they suffocate in their own possessions and no longer *are*; they merely *have*. For them, *having more* is an inalienable right, a right they acquired through their own “effort,” with their “courage to take risks.” If others do not have more, it is because they are incompetent and lazy, and worst of all is their unjustifiable ingratitude towards the “generous gestures” of the dominant class. Precisely because they are “ungrateful” and “envious,” the oppressed are regarded as potential enemies who must be watched.

It could not be otherwise. If the humanization of the oppressed signifies subversion, so also does their freedom; hence the necessity for constant control. And the more the oppressors control the oppressed,

the more they change them into apparently inanimate “things.” This tendency of the oppressor consciousness to “in-animate” everything and everyone it encounters, in its eagerness to possess, unquestionably corresponds with a tendency to sadism.

The pleasure in complete domination over another person (or other animate creature) is the very essence of the sadistic drive. Another way of formulating the same thought is to say that the aim of sadism is to transform a man into a thing, something animate into something inanimate, since by complete and absolute control the living loses one essential quality of life—freedom.⁸

[...]

On the other hand, at a certain point in their existential experience the oppressed feel an irresistible attraction towards the oppressors and their way of life. Sharing this way of life becomes an overpowering aspiration. In their alienation, the oppressed want at any cost to resemble the oppressors, to imitate them, to follow them. This phenomenon is especially prevalent in the middle-class oppressed, who yearn to be equal to the “eminent” men and women of the upper class. Albert Memmi, in an exceptional analysis of the “colonized mentality,” refers to the contempt he felt towards the colonizer, mixed with “passionate” attraction towards him.

How could the colonizer look after his workers while periodically gunning down a crowd of colonized? How could the colonized deny himself so cruelly yet make such excessive demands? How could he hate the colonizers and yet admire them so passionately? (I too felt this admiration in spite of myself.)⁹

Self-depreciation is another characteristic of the oppressed, which derives from their internalization of the opinion the oppressors hold of them. So often do they hear that they are good for nothing, know nothing and are incapable of learning anything—that they are sick, lazy, and unproductive—that in the end they become convinced of their own unfitness.

The peasant feels inferior to the boss because the boss seems to be the only one who knows things and is able to run things.¹⁰

They call themselves ignorant and say the “professor” is the one who has knowledge and to whom they should listen. The criteria of knowledge imposed upon them are the conventional ones. “Why don’t you,” said a peasant participating in a culture circle, “explain the pictures first? That way it’ll take less time and won’t give us a headache.”

Almost never do they realize that they, too, “know things” they have learned in their relations with the world and with other women and men. Given the circumstances which have produced their duality, it is only natural that they distrust themselves.

[...]

Critical and liberating dialogue, which presupposes action, must be carried on with the oppressed at whatever the stage of their struggle for liberation.¹¹

The content of that dialogue can and should vary in accordance with historical conditions and the level at which the oppressed perceive reality. But to substitute monologue, slogans, and communiqués for dialogue is to attempt to liberate the oppressed with the instruments of domestication. Attempting to liberate the oppressed without their reflective participation in the act of liberation is to treat them as objects which must be saved from a burning building; it is to lead them into the populist pitfall and transform them into masses which can be manipulated.

At all stages of their liberation, the oppressed must see themselves as women and men engaged in the ontological and historical vocation of becoming more fully human. Reflection and action become imperative when one does not erroneously attempt to dichotomize the content of humanity from its historical forms.

[...]

It is essential for the oppressed to realize that when they accept the struggle for humanization they also accept, from that moment, their total responsibility for the struggle. They must realize that they are fighting not merely for freedom from hunger, but for

... freedom to create and to construct, to wonder and to venture. Such freedom requires that the individual be active and responsible, not a slave or a well-fed cog in the machine. . . . It is not enough that men are not slaves; if social conditions further the existence of automatons, the result will not be love of life, but love of death.¹²

The oppressed, who have been shaped by the death-affirming climate of oppression, must find through

their struggle the way to life-affirming humanization, which does not lie *simply* in having more to eat (although it does involve having more to eat and cannot fail to include this aspect). The oppressed have been destroyed precisely because their situation has reduced them to things. In order to regain their humanity they must cease to be things and fight as men and women. This is a radical requirement. They cannot enter the struggle as objects in order *later* to become human beings.

The struggle begins with men's recognition that they have been destroyed. Propaganda, management, manipulation—all arms of domination—cannot be the instruments of their rehumanization. The only effective instrument is a humanizing pedagogy in which the revolutionary leadership establishes a permanent relationship of dialogue with the oppressed. In a humanizing pedagogy the method ceases to be an instrument by which the teachers (in this instance, the revolutionary leadership) can manipulate the students (in this instance, the oppressed), because it expresses the consciousness of the students themselves.

The method is, in fact, the external form of consciousness manifest in acts, which takes on the fundamental property of consciousness—its intentionality. The essence of consciousness is being with the world, and this behavior is permanent and unavoidable. Accordingly, consciousness is in essence a ‘way towards something apart from itself, outside itself, which surrounds it and which it apprehends by means of its ideational capacity. Consciousness is thus by definition a method, in the most general sense of the word.

A revolutionary leadership must accordingly practice *co-intentional* education. Teachers and students (leadership and people), co-intent on reality, are both Subjects, not only in the task of unveiling that reality, and thereby coming to know it critically, but in the task of re-creating that knowledge. As they attain this knowledge of reality through common reflection and action, they discover themselves as its permanent re-creators. In this way, the presence of the oppressed in the struggle for their liberation will be what it should be: not pseudo-participation, but committed involvement.

Questions for Discussion

1. “Oppression” as a term is on the verge of becoming an empty signifier, always referred to but never analyzed. How have you heard the term used in various discourses? How does Freire define the term (hint: look for him discussing when an

“act is oppressive”)?

2. What narratives have you heard that claim to better the world or otherwise foster a more just society? How do these narratives compare with what Freire sketches out there?
3. Freire mentions false and true generosity several times. What does he mean by these terms? What are contemporary examples of these? What’s so bad about false generosity?
4. What are the processes that allow oppression to reproduce itself (even if the people and modes change)? How can we short-circuit this and what processes might we replace them with?
5. What does it mean that a just society “must be forged *with*, not *for*, the oppressed”? Where have you seen both of these attempted?

Citation and Use

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Notes

1. The current movements of rebellion, especially those of youth, while they necessarily reflect the peculiarities of their respective settings, manifest in their essence this preoccupation with people as beings in the world and with the world—preoccupation with what and how they are “being.” As they place consumer civilization in judgment, denounce bureaucracies of all types, demand the transformation of the universities (changing the rigid nature of the teacher-student relationship and placing that relationship within the context of reality), propose the transformation of reality itself so that universities can be renewed, attack old orders and established institutions in the attempt to affirm human beings as the Subjects of decision, all these movements reflect the style of our age, which is more anthropological than anthropocentric.
2. As used throughout this book, the term “contradiction” denotes the dialectical conflict between opposing social forces.—Translator’s note

3. This fear of freedom is also to be found in the oppressors though, obviously, in a different form. The oppressed are afraid to embrace freedom; the oppressors are afraid of losing the "freedom" to oppress.
4. See Hegel, *op. cit.*, pp. 236-237.
5. Analyzing the dialectical relationship between the consciousness of the master and the consciousness of the oppressed, Hegel states: "The one is independent, and its essential nature is to be for itself; the other is dependent, and its essence is life or existence for another. The former is the Master, or Lord, the latter the Bondsman." *Ibid.*, p. 234.
6. "Liberating action necessarily involves a moment of perception and volition. This action both precedes and follows that moment, to which it first acts as a prologue and which it subsequently serves to effect and continue within history. The action of domination, however, does not necessarily imply this dimension; for the structure of domination is maintained by its own mechanical and unconscious functionality." From an unpublished work by José Luiz Fiori, who has kindly granted permission to quote him.
7. This rigidity should not be identified with the restraints that must be imposed on the former oppressors so they cannot restore the oppressive order. Rather, it refers to the revolution which becomes stagnant and turns against the people, using the old repressive, bureaucratic State apparatus (which should have been drastically suppressed, as Marx so often emphasized).
8. Erich Fromm, *The Heart of Man* (New York, 1966), p. 32.
9. *The Colonizer and the Colonized* (Boston, 1967), p. x.
10. Words of a peasant during an interview with the author.
11. Not in the open, of course; that would only provoke the fury of the oppressor and lead to still greater repression.
12. Fromm, *op. cit.*, pp. 52-53.

BALDWIN'S CAMBRIDGE DEBATE SPEECH OPENING

James Baldwin

In a debate with William Buckley at Cambridge University in 1965, James Baldwin gave the following speech. The topic of the debate was "Has the American Dream been Achieved at the Expense of the American Negro?"¹ Baldwin gave the following 9-minute opening that received a resounding applause by the crowd.

In his speech he gives an account of what it was like to live as a black child and man in America. He relates this to the wider American Dream. He exhorts the audience to refuse to collapse African Americans to a single, separate type of American. Frustration with the continual betrayal and antagonism by America's history and politicians is relayed.



James Baldwin on the Albert Memorial

Good evening,

I find myself, not for the first time, in the position of a kind of Jeremiah. For example, I don't disagree with Mr. Burford that the inequality suffered by the American Negro population of the United States has hindered the American dream. Indeed, it has. I quarrel with some other things he has to say. The other, deeper, element of a certain awkwardness I feel has to do with one's point of view. I have to put it that way – one's sense, one's system of reality. It would seem to me the proposition before the House, and I would put it that way, is the American Dream at the expense of the American Negro, or the American Dream *is* at the expense of the American Negro. Is the question hideously loaded, and then one's response to that question – one's reaction to that question – has to depend on effect and, in effect, where you find yourself in the world, what your sense of reality is, what your system of reality is. That is, it depends on assumptions which we hold so deeply so as to be scarcely aware of them.

Are white South African or Mississippi sharecropper, or Mississippi sheriff, or a Frenchman driven out of Algeria, all have, at bottom, a system of reality which compels them to, for example, in the case of the French exile from Algeria, to offend French reasons from having ruled Algeria. The Mississippi or Alabama sheriff, who really does believe, when he's facing a Negro boy or girl, that this woman, this man, this child must be insane to attack the system

to which he owes his entire identity. Of course, to such a person, the proposition which we are trying to discuss here tonight does not exist. And on the other hand, I, have to speak as one of the people who've been most attacked by what we now must here call the Western or European system of reality. What white people in the world, what we call white supremacy – I hate to say it here – comes from Europe. It's how it got to America. Beneath then, whatever one's reaction to this proposition is, has to be the question of whether or not civilizations can be considered, as such, equal, or whether one's civilization has the right to overtake and subjugate, and, in fact, to destroy another. Now, what happens when that happens. Leaving aside all the physical facts that one can quote. Leaving aside, rape or murder. Leaving aside the bloody catalog of oppression, which we are in one way too familiar with already, what this does to the subjugated, the most private, the most serious thing this does to the subjugated, is to destroy his sense of reality. It destroys, for example, his father's authority over him. His father can no longer tell him anything, because the past has disappeared, and his father has no power in the world. This means, in the case of an American Negro, born in that glittering republic, and the moment you are born, since you don't know any better, every stick and stone and every face is white.

And since you have not yet seen a mirror, you suppose that you are, too. It comes as a great shock around the age of 5, or 6, or 7, to discover that the

flag to which you have pledged allegiance, along with everybody else, has not pledged allegiance to you. It comes as a great shock to discover that Gary Cooper killing off the Indians, when you were rooting for Gary Cooper, that the Indians were you. It comes as a great shock to discover that the country which is your birthplace and to which you owe your life and your identity, has not, in its whole system of reality, evolved any place for you. The disaffection, the demoralization, and the gap between one person and another only on the basis of the color of their skin, begins there and accelerates – accelerates throughout a whole lifetime – to the present when you realize you're thirty and are having a terrible time managing to trust your countrymen. By the time you are thirty, you have been through a certain kind of mill. And the most serious effect of the mill you've been through is, again, not the catalog of disaster, the policemen, the taxi drivers, the waiters, the landlady, the landlord, the banks, the insurance companies, the millions of details, twenty four hours of every day, which spell out to you that you are a worthless human being. It is not that. It's by that time that you've begun to see it happening, in your daughter or your son, or your niece or your nephew.

You are thirty by now and nothing you have done has helped to escape the trap. But what is worse than that, is that nothing you have done, and as far as you can tell, nothing you can do, will save your son or your daughter from meeting the same disaster and not impossibly coming to the same end. Now, we're speaking about expense. I suppose there are several ways to address oneself, to some attempt to find what that word means here. Let me put it this way, that from a very literal point of view, the harbors and the ports, and the railroads of the country—the economy, especially of the Southern states—could not conceivably be what it has become, if they had not had, and do not still have, indeed for so long, for many generations, cheap labor. I am stating very seriously, and this is not an overstatement: *I* picked the cotton, *I* carried it to the market, and *I* built the railroads under someone else's whip for nothing. For nothing.

The Southern oligarchy, which has still today so very much power in Washington, and therefore some power in the world, was created by my labor and my sweat, and the violation of my women and the murder of my children. This, in the land of the free, and the home of the brave. And no one can challenge that statement. It is a matter of historical record.

In another way, this dream, and we'll get to the dream in a moment, is at the expense of the American Negro. You watched this in the Deep South in great relief. But not only in the Deep South. In the

Deep South, you are dealing with a sheriff or a landlord, or a landlady or a girl of the Western Union desk, and she doesn't know quite who she's dealing with, by which I mean, that if you're not a part of the town, and if you are a Nothern Nigger, it shows in millions of ways. So she simply knows that it's an unknown quantity, and she wants to have nothing to do with it because she won't talk to you, you have to wait for a while to get your telegram. OK, we all know this. We've all been through it and, by the time you get to be a man, it's very easy to deal with. But what is happening in the poor woman, the poor man's mind is this: they've been raised to believe, and by now they helplessly believe, that no matter how terrible their lives may be, and their lives have been quite terrible, and no matter how far they fall, no matter what disaster overtakes them, they have one enormous knowledge in consolation, which is like a heavenly revelation: at least, they are not Black.

Now, I suggest that of all the terrible things that can happen to a human being, that is one of the worst. I suggest that what has happened to white Southerners is in some ways, after all, much worse than what has happened to Negroes there because Sheriff Clark in Selma, Alabama, cannot be considered – you know, no one can be dismissed as a total monster. I'm sure he loves his wife, his children. I'm sure, you know, he likes to get drunk. You know, after all, one's got to assume he is visibly a man like me. But he doesn't know what drives him to use the club, to menace with the gun and to use the cattle prod. Something awful must have happened to a human being to be able to put a cattle prod against a woman's breasts, for example. What happens to the woman is ghastly. What happens to the man who does it is in some ways much, much worse. This is being done, after all, not a hundred years ago, but in 1965, in a country which is blessed with what we call prosperity, a word we won't examine too closely; with a certain kind of social coherence, which calls itself a civilized nation, and which espouses the notion of the freedom of the world. And it is perfectly true from the point of view now simply of an American Negro. Any American Negro watching this, no matter where he is, from the vantage point of Harlem, which is another terrible place, has to say to himself, in spite of what the government says – the government says we can't do anything about it – but if those were white people being murdered in Mississippi work farms, being carried off to jail, if those were white children running up and down the streets, the government would find some way of doing something about it. We have a civil rights bill now where an amendment, the fifteenth amendment, nearly a hundred years ago – I hate to sound again like an Old Testament prophet

– but if the amendment was not honored then, I would have any reason to believe in the civil rights bill will be honored now. And after all one's been there, since before, you know, a lot of other people got there. If one has got to prove one's title to the land, isn't four hundred years enough? Four hundred years? At least three wars? The American soil is full of the corpses of my ancestors. Why is my freedom or my citizenship, or my right to live there, how is it conceivably a question now? And I suggest further, and in the same way, the moral life of Alabama sheriffs and poor Alabama ladies – white ladies – their moral lives have been destroyed by the plague called color, that the American sense of reality has been corrupted by it.

At the risk of sounding excessive, what I always felt, when I finally left the country, and found myself abroad, in other places, and watched the Americans abroad – and these are my countrymen – and I do care about them, and even if I didn't, there is something between us. We have the same shorthand, I know, if I look at a boy or a girl from Tennessee, where they came from in Tennessee and what that means. No Englishman knows that. No Frenchman, no one in the world knows that, except another Black man who comes from the same place. One watches these lonely people denying the only kin they have. We talk about integration in America as though it was some great new conundrum. The problem in America is that we've been integrated for a very long time. Put me next to any African and you will see what I mean. My grandmother was not a rapist. What we are not facing is the result of what we've done. What one brings the American people to do for all our sakes is simply to accept our history. I was there not only as a slave, but also as a concubine. One knows the power, after all, which can be used against another person if you've got absolute power over that person.

It seemed to me when I watched Americans in Europe what they didn't know about Europeans was what they didn't know about me. They weren't trying, for example, to be nasty to the French girl, or rude to the French waiter. They didn't know they hurt their feelings. They didn't have any sense this particular woman, this particular man, though they spoke another language and had different manners and ways, was a human being. And they walked over them, the same kind of bland ignorance, condescension, charming and cheerful with which they've always pat me on the head and called me Shine and were upset when I was upset. What is relevant about this is that whereas forty years ago when I was born, the question of having to deal with what is unspoken by the subjugated, what is never said to the master, of ever having to deal with this reality was a very

remote possibility. It was in no one's mind. When I was growing up, I was taught in American history books, that Africa had no history, and neither did I. That I was a savage about whom the less said, the better, who had been saved by Europe and brought to America. And, of course, I believed it. I didn't have much choice. Those were the only books there were. Everyone else seemed to agree.

If you walk out of Harlem, ride out of Harlem, downtown, the world agrees what you see is much bigger, cleaner, whiter, richer, safer than where you are. They collect the garbage. People obviously can pay their life insurance. Their children look happy, safe. You're not. And you go back home, and it would seem that, of course, that it's an act of God that this is true! That you belong where white people have put you.

It is only since the Second World War that there's been a counter-image in the world. And that image did not come about through any legislation or part of any American government, but through the fact that Africa was suddenly on the stage of the world, and Africans had to be dealt with in a way they'd never been dealt with before. This gave an American Negro for the first time a sense of himself beyond the savage or a clown. It has created and will create a great many conundrums. One of the great things that the white world does not know, but I think I do know, is that Black people are just like everybody else. One has used the myth of Negro and the myth of color to pretend and to assume that you were dealing with, essentially, with something exotic, bizarre, and practically, according to human laws, unknown. Alas, it is not true. We're also mercenaries, dictators, murderers, liars. We are human too.

What is crucial here is that unless we can manage to accept, establish some kind of dialog between those people whom I pretend have paid for the American dream and those other people who have not achieved it, we will be in terrible trouble. I want to say, at the end, the last, is that is that is what concerns me most. We are sitting in this room, and we are all, at least I'd like to think we are, relatively civilized, and we can talk to each other at least on certain levels so that we could walk out of here assuming that the measure of our enlightenment, or at least, our politeness, has some effect on the world. It may not.

I remember, for example, when the ex Attorney General, Mr. Robert Kennedy, said that it was conceivable that in forty years, in America, we might have a Negro president. That sounded like a very emancipated statement, I suppose, to white people. They were not in Harlem when this statement was first heard. And they're not here, and possibly will never

hear the laughter and the bitterness, and the scorn with which this statement was greeted. From the point of view of the man in the Harlem barber shop, Bobby Kennedy only got here yesterday, and he's already on his way to the presidency. We've been here for four hundred years and now he tells us that maybe in forty years, if you're good, we may let you become president.

What is dangerous here is the turning away from – the turning away from – anything any white American says. The reason for the political hesitation, in spite of the Johnson landslide is that one has been betrayed by American politicians for so long. And I am a grown man and perhaps I can be reasoned with. I certainly hope I can be. But I don't know, and neither does Martin Luther King, none of us know how to deal with those other people whom the white world has so long ignored, who don't believe anything the white world says and don't entirely believe anything I or Martin is saying. And one can't blame them. You watch what has happened to them in less than twenty years.

It seems to me that the City of New York, for example – this is my last point – It's had Negroes in it for a very long time. If the city of New York were able, as it has indeed been able, in the last fifteen years to reconstruct itself, tear down buildings and raise great new ones, downtown and for money, and has done nothing whatever except build housing projects in the ghetto for the Negroes. And of course, Negroes

hate it. Presently the property does indeed deteriorate because the children cannot bear it. They want to get out of the ghetto. If the American pretensions were based on more solid, a more honest assessment of life and of themselves, it would not mean for Negroes when someone says "Urban Renewal" that Negroes can simply are going to be thrown out into the streets. This is just what it does mean now. This is not an act of God. We're dealing with a society made and ruled by men. Had the American Negro had not been present in America, I am convinced the history of the American labor movement would be much more edifying than it is. It is a terrible thing for an entire people to surrender to the notion that one-ninth of its population is beneath them. And until that moment, until the moment comes when we, the Americans, we, the American people, are able to accept the fact, that I have to accept, for example, that my ancestors are both white and Black. That on that continent we are trying to forge a new identity for which we need each other and that I am not a ward of America. I am not an object of missionary charity. I am one of the people who built the country—until this moment there is scarcely any hope for the American dream, because the people who are denied participation in it, by their very presence, will wreck it. And if that happens it is a very grave moment for the West.

Thank you.

Questions for Discussion

1. Make two lists: one, for all of the historical conditions that Baldwin asserts are necessary to understand his current context and two, all of the then-current situations and societal features that Baldwin is asserting need to be addressed. These are the "facts of the case". How does Baldwin use items in the above two lists to build his argument?
2. Put on your historian hat and investigate what Baldwin was talking about when he discussed the betrayal of politicians. How does this interface with that [Martin Luther King Jr claimed](#) was the largest impediment to progress in the Civil Rights movement?
3. Baldwin highlights Americans in Europe as a simile for how those same Americans misunderstand him. Unpack this and reflect on how and when the same might be true today.
4. Baldwin argues for a certain type of dialogue. What does this dialogue look like and who is it between? How might we go about this dialogue today?

Citation and Use

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James Baldwin, TRANSCRIPT OF BALDWIN'S OPENING SPEECH IN THE BALDWIN / BUCKLEY CAMBRIDGE DEBATE, 2015, <https://web.archive.org/web/20171219005828/https://www.rimaregas.com/2015/06/07/transcript-james-baldwin-debates-william-f-buckley-1965-blog42/>.

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- [James Baldwin at Albert Memorial](#) by Allan Warren © [Public Domain](#)

Notes

1. The Riverbends Channel, James Baldwin Debates William F. Buckley (1965), accessed April 6, 2018, <https://www.youtube.com/watch?v=oFeoS41xe7w&feature=youtu.be>.

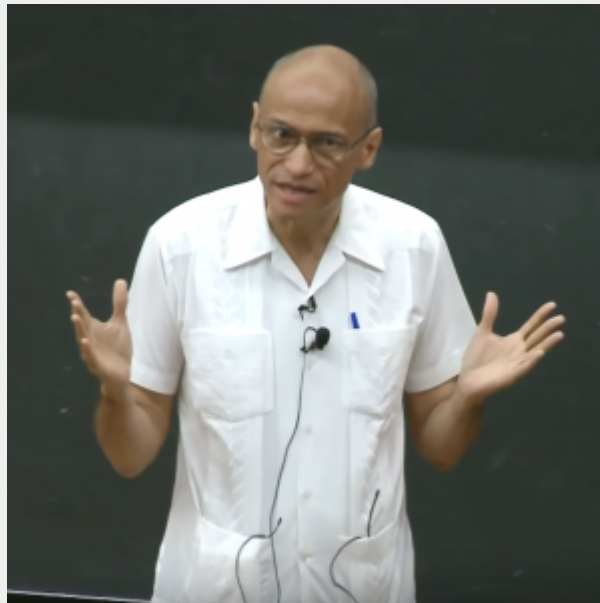
SOCIAL CONTRACTS OF EXPLOITATION

Charles Mills

In Political Philosophy and Ethics, there is a notion of contractualism, the idea that bands of people create implicit¹ and explicit² contracts that govern behavior between parties. Part of contractualism claims that these contracts inform or set what is good in the society.³ Another aspect of contractualism asks "What is the nature of just contracts?". This reading does something in between. Charles Mills unearths what he calls The Racial Contract, a contract that created and maintained racial and colonial relations. He further claims that the contract is exploitative in nature and that even though most whites today are not *signatories* of the contract, they are *beneficiaries* of it whether they want to be or not.

Mills patterns his discussion after Carole Pateman's *The Sexual Contract*, which outlines how patriarchy has created an implicit and explicit contract that subverts the interests of particular men over women (and other men). Mills claims that these two exploitative contracts enable, or underwrite, the Classical Liberal Social Contract. That is to say, without the exploitation of people of color and women (forced labor, looting of lands, et cetera), the Liberal Project would not have been able to get off the ground and have the amazing success it has had.

The selection below is comprised of snippets from the first chapter of *The Racial Contract*. Bolding and emphasis are added by the editor to highlight historical legal arrangements or other areas of importance.



Philosopher Charles Mills giving a lecture on the Racial Contract.

I will start with an overview of the Racial Contract, highlighting its differences from, as well as its sim-

ilarities to, the classical and contemporary social contract. The Racial Contract is political, moral, and

epistemological; the Racial Contract is real; and economically, in determining who gets what, the Racial Contract is an exploitation contract.

The Racial Contract is political, moral, and epistemological.

The “social contract” is actually several contracts in one. Contemporary contractarians usually distinguish, to begin with, between the political contract and the moral contract, before going on to make (subsidiary) distinctions within both. I contend, however, that the orthodox social contract also tacitly presupposes an “epistemological” contract, and that for the Racial Contract it is crucial to make this explicit.

The political contract is an account of the origins of government and our political obligations to it. The subsidiary distinction sometimes made in the political contract is between the contract to establish society (thereby taking “natural,” presocial individuals out of the state of nature and reconstructing and constituting them as members of a collective body) and the contract to establish the state (thereby transferring outright or delegating in a relationship of trust the rights and powers we have in the state of nature to a sovereign governing entity).⁴ The moral contract, on the other hand, is the foundation of the moral code established for the society, by which the citizens are supposed to regulate their behavior. The subsidiary distinction here is between two interpretations (to be discussed) of the relationship between the moral contract and state-of-nature morality. In modern versions of the contract, most notably Rawls’s of course, the political contract largely vanishes, modern anthropology having long superseded the naive social origin histories of the classic contractarians. The focus is then almost exclusively on the moral contract. This is not conceived of as an actual historical event that took place on leaving the state of nature. Rather, the state of nature survives only in the attenuated form of what Rawls calls the “original position,” and the “contract” is a purely hypothetical exercise (a thought experiment) in establishing what a just “basic structure” would be, with a schedule of rights, duties, and liberties that shapes citizens’ moral psychology, conceptions of the right, notions of self-respect, etc.⁵

Now the Racial Contract—and the “Racial Contract” as a theory, that is, the distanced, critical examination of the Racial Contract—follows the classical model in being both sociopolitical and moral. It explains how society was created or crucially transformed, how the individuals in that society were reconstituted, how the state was established, and how a particular moral code and a certain moral psy-

chology were brought into existence. (As I have emphasized, the “Racial Contract” seeks to account for the way things are and how they came to be that way—the descriptive—as well as the way they should be—the normative—since indeed one of its complaints about white political philosophy is precisely its otherworldiness, its ignoring of basic political realities.) But the Racial Contract, as we will see, is also epistemological, prescribing norms for cognition to which its signatories must adhere. A preliminary characterization would run something like this:

The Racial Contract is that set of formal or informal agreements or meta-agreements (higher-level contracts about contracts, which set the limits of the contracts’ validity) between the members of one subset of humans, henceforth designated by (shifting) “racial” (phenotypical/genealogical/cultural) criteria C1, C2, C3 . . . as “white,” and coextensive (making due allowance for gender differentiation) with the class of full persons, to categorize the remaining subset of humans as “nonwhite” and of a different and inferior moral status, subpersons, so that they have a subordinate civil standing in the white or white-ruled polities the whites either already inhabit or establish or in transactions as aliens with these polities, and the moral and juridical rules normally regulating the behavior of whites in their dealings with one another either do not apply at all in dealings with nonwhites or apply only in a qualified form (depending in part on changing historical circumstances and what particular variety of nonwhite is involved), but in any case the general purpose of the Contract is always the differential privileging of the whites as a group with respect to the nonwhites as a group, the exploitation of their bodies, land, and resources, and the denial of equal socioeconomic opportunities to them. All whites are beneficiaries of the Contract, though some whites are not signatories to it.⁶

It will be obvious, therefore, that the Racial Contract is not a contract to which the nonwhite subset of humans can be a genuinely consenting party (though, depending again on the circumstances, it may sometimes be politic to pretend that this is the case). Rather, it is a contract between those categorized as white over the nonwhites, who are thus the objects rather than the subjects of the agreement.

The logic of the classic social contract, political, moral, and epistemological, then undergoes a corresponding refraction, with shifts, accordingly, in the key terms and principles.

Politically, the contract to establish society and the government, thereby transforming abstract raceless “men” from denizens of the state of nature into

social creatures who are politically obligated to a neutral state, becomes the founding of a racial polity, whether white settler states (where preexisting populations already are or can be made sparse) or what are sometimes called “sojourner colonies,” the establishment of a white presence and colonial rule over existing societies (which are somewhat more populous, or whose inhabitants are more resistant to being made sparse). In addition, the colonizing mother country is also changed by its relation to these new polities, so that its own citizens are altered.

In the social contract, the crucial human metamorphosis is from “natural” man to “civil/political” man, from the resident of the state of nature to the citizen of the created society. This change can be more or less extreme, depending on the theorist involved. For Rousseau it is a dramatic transformation, by which animal like creatures of appetite and instinct become citizens bound by justice and self-prescribed laws. For Hobbes it is a somewhat more laid-back affair by which people who look out primarily for themselves learn to constrain their self-interest for their own good.⁷ But in all cases the original “state of nature” supposedly indicates the condition of all men, and the social metamorphosis affects them all in the same way.

In the Racial Contract, by contrast, the crucial metamorphosis is the preliminary conceptual partitioning and corresponding transformation of human populations into “white” and “nonwhite” men. The role played by the “state of nature” then becomes radically different. In the white settler state, its role is not primarily to demarcate the (temporarily) pre-political state of “all” men (who are really white men), but rather the permanently pre-political state or, perhaps better, nonpolitical state (insofar as “pre-” suggests eventual internal movement toward) of nonwhite men. The establishment of society thus implies the denial that a society already existed; the creation of society requires the intervention of white men, who are thereby positioned as already sociopolitical beings. White men who are (definitionally) already part of society encounter nonwhites who are not, who are “savage” residents of a state of nature characterized in terms of wilderness, jungle, wasteland. These the white men bring partially into society as subordinate citizens or exclude on reservations or deny the existence of or exterminate. In the colonial case, admittedly preexisting but (for one reason or another) deficient societies (decadent, stagnant, corrupt) are taken over and run for the “benefit” of the nonwhite natives, who are deemed childlike, incapable of self-rule and handling their own affairs, and thus appropriately wards of the state. Here the natives are usually characterized as

“barbarians” rather than “savages,” their state of nature being somewhat farther away (though not, of course, as remote and lost in the past—if it ever existed in the first place—as the Europeans’ state of nature). But in times of crisis the conceptual distance between the two, barbarian and savage, tends to shrink or collapse, for this technical distinction within the nonwhite population is vastly less important than the central distinction between whites and nonwhites.

In both cases, then, though in different ways, the Racial Contract establishes a racial polity, a racial state, and a racial juridical system, where the status of whites and nonwhites is clearly demarcated, whether by law or custom. And the purpose of this state, by contrast with the neutral state of classic contractarianism, is, *inter alia*, specifically to maintain and reproduce this racial order, securing the privileges and advantages of the full white citizens and maintaining the subordination of nonwhites. Correspondingly, the “consent” expected of the white citizens is in part conceptualized as a consent, whether explicit or tacit, to the racial order, to white supremacy, what could be called Whiteness. To the extent that those phenotypically/genealogically/culturally categorized as white fail to live up to the civic and political responsibilities of Whiteness, they are in dereliction of their duties as citizens. From the inception, then, race is in no way an “afterthought,” a “deviation” from ostensibly raceless Western ideals, but rather a central shaping constituent of those ideals.

In the social contract tradition, there are two main possible relations between the moral contract and the political contract.

1. On the first view, the moral contract represents preexisting objectivist morality (theological or secular) and thus constrains the terms of the political contract. This is the view found in Locke and Kant. In other words, there is an objective moral code in the state of nature itself, even if there are no policemen and judges to enforce it. So any society, government, and legal system that are established should be based on that moral code.
2. On the second view, the political contract creates morality as a conventionalist set of rules. So there is no independent objective moral criterion for judging one moral code to be superior to another or for indicting a society’s established morality as unjust. On this conception, which is famously attributed to Hobbes, morality is just a set of rules for expediting the rational pursuit and coordination of our own interests without conflict with those other people who are doing the same thing.⁸

The Racial Contract can accommodate both versions, but as it is the former version (the contract as described in Locke and Kant) rather than the latter version (the contract as described in Hobbes) which represents the mainstream of the contract tradition, I focus on that one.⁹ Here, the good polity is taken to rest on a preexisting moral foundation. Obviously, this is a far more attractive conception of a political system than Hobbes's view. The ideal of an objectively just polis to which we should aspire in our political activism goes back in the Western tradition all the way to Plato. In the medieval Christian worldview which continued to influence contractarianism well into the modern period, there is a "natural law" immanent in the structure of the universe which is supposed to direct us morally in striving for this ideal.¹⁰ (For the later, secular versions of contractarianism, the idea would simply be that people have rights and duties even in the state of nature because of their nature as human beings.) So it is wrong to steal, rape, kill in the state of nature even if there are no human laws written down saying it is wrong. These moral principles must constrain the human laws that are made and the civil rights that are assigned once the polity is established. In part, then, the political contract simply codifies a morality that already exists, writing it down and filling in the details, so we don't have to rely on a divinely implanted moral sense, or conscience, whose perceptions may on occasion be distorted by self-interest. What is right and wrong, just and unjust, in society will largely be determined by what is right and wrong, just and unjust, in the state of nature.

The character of this objective moral foundation is therefore obviously crucial. For the mainstream of the contractarian tradition, it is the freedom and equality of all men in the state of nature. As Locke writes in the Second Treatise, "To understand Political Power right, and derive it from its Original, we must consider what State all Men are naturally in, and that is, a State of perfect Freedom to order their Actions.... A State also of Equality, wherein all the Power and Jurisdiction is reciprocal, no one having more than another."¹¹ For Kant, similarly, it is our equal moral personhood.¹² Contractarianism is (supposedly) committed to moral egalitarianism, the moral equality of all men, the notion that the interests of all men matter equally and all men must have equal rights. Thus, contractarianism is also committed to a principled and foundational opposition to the traditionalist hierarchical ideology of the old feudal order, the ideology of inherent ascribed status and natural subordination. It is this language of equality which echoes in the American and French Revolutions, the Declaration of Independence, and the Declaration of the Rights of Man. And it is this

moral egalitarianism that must be retained in the allocation of rights and liberties in civil society. When in a modern Western society people insist on their rights and freedoms and express their outrage at not being treated equally, it is to these classic ideas that, whether they know it or not, they are appealing.

But as we will see in greater detail later on, the color-coded morality of the Racial Contract restricts the possession of this natural freedom and equality to white men. By virtue of their complete nonrecognition, or at best inadequate, myopic recognition, of the duties of natural law, nonwhites are appropriately relegated to a lower rung on the moral ladder (the Great Chain of Being).¹³ They are designated as born unfree and unequal. A partitioned social ontology is therefore created, a universe divided between persons and racial subpersons, Untermenschen, who may variously be black, red, brown, yellow—slaves, aborigines, colonial populations—but who are collectively appropriately known as "subject races." And these subpersons—niggers, injuns, chinks, wogs, greasers, blackfellows, kaffirs, coolies, abos, dinks, googoos, gooks—are biologically destined never to penetrate the normative rights ceiling established for them below white persons. Henceforth, then, whether openly admitted or not, it is taken for granted that the grand ethical theories propounded in the development of Western moral and political thought are of restricted scope, explicitly or implicitly intended by their proponents to be restricted to persons, whites. The terms of the Racial Contract set the parameters for white morality as a whole, so that competing Lockean and Kantian contractarian theories of natural rights and duties, or later anticontractarian theories such as nineteenth-century utilitarianism, are all limited by its stipulations.

Finally, the Racial Contract requires its own peculiar moral and empirical epistemology, its norms and procedures for determining what counts as moral and factual knowledge of the world. In the standard accounts of contractarianism it is not usual to speak of there being an "epistemological" contract, but there is an epistemology associated with contractarianism, in the form of natural law. This provides us with a moral compass, whether in the traditional version of Locke—the light of reason implanted in us by God so we can discern objective right and wrong—or in the revisionist version of Hobbes—the ability to assess the objectively optimal prudential course of action and what it requires of us for self-interested cooperation with others. So through our natural faculties we come to know reality in both its factual and valuational aspects, the way things objectively are and what is objectively good or bad about them. I suggest we can think of this as an ide-

We usually skip over this part.

alized consensus about cognitive norms and, in this respect, an agreement or “contract” of sorts. There is an understanding about what counts as a correct, objective interpretation of the world, and for agreeing to this view, one is (“contractually”) granted full cognitive standing in the polity, the official epistemic community.¹⁴

But for the Racial Contract things are necessarily more complicated. The requirements of “objective” cognition, factual and moral, in a racial polity are in a sense more demanding in that officially sanctioned reality is divergent from actual reality. So here, it could be said, one has an agreement to misinterpret the world. One has to learn to see the world wrongly, but with the assurance that this set of mistaken perceptions will be validated by white epistemic authority, whether religious or secular.

Thus in effect, on matters related to race, the Racial Contract prescribes for its signatories an inverted epistemology, an epistemology of ignorance, a particular pattern of localized and global cognitive dysfunctions (which are psychologically and socially functional), producing the ironic outcome that whites will in general be unable to understand the world they themselves have made. Part of what it means to be constructed as “white” (the metamorphosis of the sociopolitical contract), part of what it requires to achieve Whiteness, successfully to become a white person (one imagines a ceremony with certificates attending the successful rite of passage: “Congratulations, you’re now an official white person!”), is a cognitive model that precludes self-transparency and genuine understanding of social realities. To a significant extent, then, white signatories will live in an invented delusional world, a racial fantasyland, a “consensual hallucination,” to quote William Gibson’s famous characterization of cyberspace, though this particular hallucination is located in real space.¹⁵ There will be white mythologies, invented Orients, invented Africas, invented Americas, with a correspondingly fabricated population, countries that never were, inhabited by people who never were—Calibans and Tontos, Man Fridays and Sambos—but who attain a virtual reality through their existence in travelers’ tales, folk myth, popular and highbrow fiction, colonial reports, scholarly theory, Hollywood cinema, living in the white imagination and determinedly imposed on their alarmed real-life counterparts.¹⁶ One could say then, as a general rule, that white misunderstanding, misrepresentation, evasion, and self-deception on matters related to race are among the most pervasive mental phenomena of the past few hundred years, a cognitive and moral economy psychically required for conquest, colonization, and enslavement. And these

phenomena are in no way accidental, but prescribed by the terms of the Racial Contract, which requires a certain schedule of structured blindnesses and opacities in order to establish and maintain the white polity.

The Racial Contract is a historical actuality.

The social contract in its modern version has long since given up any pretensions to be able to explain the historical origins of society and the state. Whereas the classic contractarians were engaged in a project both descriptive and prescriptive, the modern Rawls-inspired contract is purely a prescriptive thought experiment. And even Pateman’s Sexual Contract, though its focus is the real rather than the ideal, is not meant as a literal account of what men in 4004 B.C. decided to do on the plains of Mesopotamia. Whatever accounts for what Frederick Engels once called “the world historical defeat of the female sex”¹⁷—whether the development of an economic surplus, as he theorized, or the male discovery of the capacity to rape and the female disadvantage of being the childbearing half of the species, as radical feminists have argued—it is clearly lost in antiquity.

By contrast, ironically, the Racial Contract, never so far as I know explored as such, has the best claim to being an actual historical fact. Far from being lost in the mists of the ages, it is clearly historically locatable in the series of events marking the creation of the modern world by European colonialism and the voyages of “discovery” now increasingly and more appropriately called expeditions of conquest. The Columbian quincentenary a few years ago, with its accompanying debates, polemics, controversies, counterdemonstrations, and outpourings of revisionist literature, confronted many whites with the uncomfortable fact, hardly discussed in mainstream moral and political theory, that we live in a world which has been foundationally shaped for the past five hundred years by the realities of European domination and the gradual consolidation of global white supremacy. Thus not only is the Racial Contract “real,” but—whereas the social contract is characteristically taken to be establishing the legitimacy of the nation-state, and codifying morality and law within its boundaries—the Racial Contract is global, involving a tectonic shift of the ethicojuridical basis of the planet as a whole, the division of the world, as Jean-Paul Sartre put it long ago, between “men” and “natives.”¹⁸

Europeans thereby emerge as “the lords of human kind,” the “lords of all the world,” with the increasing power to determine the standing of the non-Europeans who are their subjects.¹⁹ Although no

single act literally corresponds to the drawing up and signing of a contract, there is a series of acts—papal bulls and other theological pronouncements; European discussions about colonialism, “discovery,” and international law; pacts, treaties, and legal decisions; academic and popular debates about the humanity of nonwhites; the establishment of formalized legal structures of differential treatment; and the routinization of informal illegal or quasi-legal practices effectively sanctioned by the complicity of silence and government failure to intervene and punish perpetrators—which collectively can be seen, not just metaphorically but close to literally, as its conceptual, juridical, and normative equivalent.

Anthony Pagden suggests that a division of the European empires into their main temporal periods should recognize “two distinct, but interdependent histories”: the colonization of the Americas, 1492 to the 1830s, and the occupation of Asia, Africa, and the Pacific, 1730s to the period after World War II.²⁰ In the first period, it was, to begin with, the nature and moral status of the Native Americans that primarily had to be determined, and then that of the imported African slaves whose labor was required to build this “New World.” In the second period, culminating in formal European colonial rule over most of the world by the early twentieth century, it was the character of colonial peoples that became crucial. But in all cases “race” is the common conceptual denominator that gradually came to signify the respective global statuses of superiority and inferiority, privilege and subordination. There is an opposition of us against them with multiple overlapping dimensions: Europeans versus non-Europeans (geography), civilized versus wild/savage/barbarians (culture), Christians versus heathens (religion). But they all eventually coalesced into the basic opposition of white versus nonwhite.

A Lumbee Indian legal scholar, Robert Williams, has traced the evolution of the Western legal position on the rights of native peoples from its medieval antecedents to the beginnings of the modern period, showing how it is consistently based on the assumption of “the rightness and necessity of subjugating and assimilating other peoples to [the European] worldview.”²¹ Initially the intellectual framework was a theological one, with normative inclusion and exclusion manifesting itself as the demarcation between Christians and heathens. The pope’s powers over the *Societas Christiana*, the universal Christian commonwealth, were seen as “extending not only over all Christians within the universal commonwealth, but over unregenerated heathens and infidels as well,” and this policy would subsequently underwrite not merely the Crusades against Islam but the later voyages to the Americas. Sometimes

papal pronouncements did grant rights and rationality to nonbelievers. As a result of dealing with the Mongols in the thirteenth century, for example, Pope Innocent IV “conceded that infidels and heathens possessed the natural law right to elect their own secular leaders,” and Pope Paul III’s famous *Sublimis Deus* (1537) stated that Native Americans were rational beings, not to be treated as “dumb brutes created for our service” but “as truly men . . . capable of understanding the Catholic faith.”²² But as Williams points out, the latter qualification was always crucial. A Eurocentrically normed conception of rationality made it coextensive with acceptance of the Christian message, so that rejection was proof of bestial irrationality.

Even more remarkably, in the case of Native Americans this acceptance was to be signaled by their agreement to the *Requerimiento*, a long statement read aloud to them in, of course, a language they did not understand, failing which assent a just war could lawfully be waged against them.²³ One author writes:

The *requerimiento* is the prototypical example of text justifying conquest. Informing the Indians that their lands were entrusted by Christ to the pope and thence to the kings of Spain, the document offers freedom from slavery for those Indians who accept Spanish rule. Even though it was entirely incomprehensible to a non-Spanish speaker, reading the document provided sufficient justification for dispossession of land and immediate enslavement of the indigenous people. [Bartolomé de] Las Casas’s famous comment on the *requerimiento* was that one does not know “whether to laugh or cry at the absurdity of it.” . . . While appearing to respect “rights” the *requerimiento*, in fact, takes them away.²⁴

In effect, then, the Catholic Church’s declarations either formally legitimated conquest or could be easily circumvented where a weak *prima facie* moral barrier was erected.

The growth of the Enlightenment and the rise of secularism did not challenge this strategic dichotomization (Christian/infidel) so much as translate it into other forms. Philip Curtin refers to the characteristic “exceptionalism in European thought about the non-West,” “a conception of the world largely based on self-identification—and identification of ‘the other people.’”²⁵ Similarly, Pierre van den Berghe describes the “Enlightenment dichotomization” of the normative theories of the period.²⁶ “Race” gradually became the formal marker of this differentiated status, replacing the religious divide (whose disadvantage, after all, was that it could always be over-

come through conversion). Thus a category crystallized over time in European thought to represent entities who are humanoid but not fully human ("savages," "barbarians") and who are identified as such by being members of the general set of non-white races. Influenced by the ancient Roman distinction between the civilized within and the barbarians outside the empire, the distinction between full and question-mark humans, Europeans set up a two-tiered moral code with one set of rules for whites and another for nonwhites.²⁷

Types of Contracts that makeup the Racial Contract

Correspondingly, various moral and legal doctrines were propounded which can be seen as specific manifestations and instantiations, appropriately adjusted to circumstances, of the overarching Racial Contract. These were specific subsidiary contracts designed for different modes of exploiting the resources and peoples of the rest of the world for Europe:

1. the expropriation contract,
2. the slavery contract,
3. the colonial contract.

The Expropriation Contract

The "**Doctrine of Discovery**," for example, what Williams identifies as the "paradigmatic tenet informing and determining contemporary European legal discourse respecting relations with Western tribal societies," was central to the expropriation contract.²⁸ The American Justice Joseph Story glossed it as granting Europeans

an absolute dominion over the whole territories afterwards occupied by them, not in virtue of any conquest of, or cession by, the Indian natives, but as a right acquired by discovery.... The title of the Indians was not treated as a right of property and dominion, but as a mere right of occupancy. As infidels, heathens, and savages, they were not allowed to possess the prerogatives belonging to absolute, sovereign, and independent nations. The territory over which they wandered, and which they used for their temporary and fugitive purposes, was, in respect to Christians, deemed as if it were inhabited only by brute animals.²⁹

The Slavery Contract

Similarly, the slavery contract gave Europeans the right to enslave Native Americans and Africans at a time when slavery was dead or dying out in Europe, based on doctrines of the inherent inferiority of

these peoples. A classic statement of the slavery contract is the **1857 Dred Scott v. Sanford** U.S. Supreme Court decision of Chief Justice Roger Taney, which stated that blacks

had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit.... This opinion was at that time fixed and universal in the civilized portion of the white race. It was regarded as an axiom in morals as well as in politics, which no one thought of disputing, or supposed to be open to dispute.³⁰

The Colonial Contract

Finally, there is the colonial contract, which legitimated European rule over the nations in Asia, Africa, and the Pacific. Consider, for instance, this wonderful example, almost literally "contractarian" in character, from the French imperial theorist Jules Harmand (1845–1921), who devised the notion of association:

Expansion by conquest, however necessary, seems especially unjust and disturbing to the conscience of democracies.... But to transpose democratic institutions into such a setting is aberrant nonsense. The subject people are not and cannot become citizens in the democratic sense of the term.... It is necessary, then, to accept as a principle and point of departure the fact that there is a hierarchy of races and civilizations, and that we belong to the superior race and civilization.... The basic legitimation of conquest over native peoples is the conviction of our superiority, not merely our mechanical, economic, and military superiority, but our moral superiority. Our dignity rests on that quality, and it underlies our right to direct the rest of humanity.

What is therefore necessary is a "**Contract' of Association**":

Without falling into Rousseauian reveries, it is worth noting that association implies a contract, and this idea, though nothing more than an illustration, is more appropriately applied to the coexistence of two profoundly different societies thrown sharply and artificially into contact than it is to the single society formed by natural processes which Rousseau envisaged. This is

how the terms of this implicit agreement can be conceived. The European conqueror brings order, foresight, and security to a human society which, though ardently aspiring for these fundamental values without which no community can make progress, still lacks the aptitude to achieve them from within itself.... With these mental and material instruments, which it lacked and now receives, it gains the idea and ambition for a better existence, and the means of achieving it. We will obey you, say the subjects, if you begin by proving yourself worthy. We will obey you if you can succeed in convincing us of the superiority of that civilization of which you talk so much.³¹

Indian laws, slave codes, and colonial native acts formally codified the subordinate status of nonwhites and (ostensibly) regulated their treatment, creating a juridical space for nonEuropeans as a separate category of beings. So even if there was sometimes an attempt to prevent “abuses” (and these codes were honored far more often in the breach than the observance), the point is that “abuse” as a concept presupposes as a norm the legitimacy of the subordination. Slavery and colonialism are not conceived as wrong in their denial of autonomy to persons; what is wrong is the improper administration of these regimes.

It would be a fundamental error, then—a point to which I will return—to see racism as anomalous, a mysterious deviation from European Enlightenment humanism. Rather, it needs to be realized that, in keeping with the Roman precedent, European humanism usually meant that only Europeans were human. European moral and political theory, like European thought in general, developed within the framework of the Racial Contract and, as a rule, took it for granted. As Edward Said points out in *Culture and Imperialism*, we must not see culture as “anti-septically quarantined from its worldly affiliations.” But this occupational blindness has in fact infected most “professional humanists” (and certainly most philosophers), so that “as a result [they are] unable to make the connection between the prolonged and sordid cruelty of practices such as slavery, colonialist and racial oppression, and imperial subjection on the one hand, and the poetry, fiction, philosophy of the society that engages in these practices on the other.”³² By the nineteenth century, conventional white opinion casually assumed the uncontroversial validity of a hierarchy of “higher” and “lower,” “master” and “subject” races, for whom, it is obvious, different rules must apply.

The modern world was thus expressly created as a racially hierarchical polity, globally dominated by

Europeans. A 1969 Foreign Affairs article worth rereading today reminds us that as late as the 1940s the world “was still by and large a Western white-dominated world. The long-established patterns of white power and nonwhite non-power were still the generally accepted order of things. All the accompanying assumptions and mythologies about race and color were still mostly taken for granted.... [W]hite supremacy was a generally assumed and accepted state of affairs in the United States as well as in Europe’s empires.”³³ But statements of such frankness are rare or nonexistent in mainstream white opinion today, which generally seeks to rewrite the past so as to deny or minimize the obvious fact of global white domination.

Yet the United States itself, of course, is a white settler state on territory expropriated from its aboriginal inhabitants through a combination of military force, disease, and a “century of dishonor” of broken treaties.³⁴ The expropriation involved literal genocide (a word now unfortunately devalued by hyperbolic overuse) of a kind that some recent revisionist historians have argued needs to be seen as comparable to the Third Reich’s.³⁵ Washington, Father of the Nation, was, understandably, known somewhat differently to the Senecas as “Town Destroyer.”³⁶ In the Declaration of Independence, Jefferson characterized Native Americans as “merciless Indian Savages,” and in the Constitution, blacks, of course, appear only obliquely, through the famous “60 percent solution.” Thus, as Richard Drinnon concludes: “The Framers manifestly established a government under which non-Europeans were not men created equal—in the white polity . . . they were nonpeoples.”³⁷ Though on a smaller scale and not always so ruthlessly (or, in the case of New Zealand, because of more successful indigenous resistance), what are standardly classified as the other white settler states—for example, Canada, Australia, New Zealand, Rhodesia, and South Africa—were all founded on similar policies: the extermination, displacement, and/or herding onto reservations of the aboriginal population. Pierre van den Berghe has coined the illuminating phrase “Herrenvolk democracies” to describe these polities, which captures perfectly the dichotomization of the Racial Contract.³⁸ Their subsequent evolution has been somewhat different, but defenders of South Africa’s system of apartheid often argued that U.S. criticism was hypocritical in light of its own history of **Jim Crow**, especially since de facto segregation remains sufficiently entrenched that even today, forty years after *Brown v. Board of Education*, two American sociologists can title their study *American Apartheid*.³⁹ The racist record of preliberation Rhodesia (now Zimbabwe) and South Africa is well

known; not so familiar may be the fact that the United States, Canada, and Australia all maintained “white” immigration policies until a few decades ago, and native peoples in all three countries suffer high poverty, infant mortality, and suicide rates.

Elsewhere, in Latin America, Asia, and Africa, large parts of the world were colonized, that is, formally brought under the rule of one or another of the European powers (or, later, the United States): the early Spanish and Portuguese empires in the Americas, the Philippines, and south Asia; the jealous competition from Britain, France, and Holland; the British conquest of India; the French expansion into Algeria and Indochina; the Dutch advance into Indonesia; the Opium Wars against China; the late nineteenth-century “**scramble for Africa**”; the U.S. war against Spain, seizure of Cuba, Puerto Rico, and the Philippines, and annexation of Hawaii.⁴⁰ The pace of change this century has been so dramatic that it is easy to forget that less than a hundred years ago, in 1914, “Europe held a grand total of roughly 85 percent of the earth as colonies, protectorates, dependencies, dominions, and commonwealths. No other associated set of colonies in history was as large, none so totally dominated, none so unequal in power to the Western metropolis.”⁴¹ One could say that the Racial Contract creates a transnational white polity, a virtual community of people linked by their citizenship in Europe at home and abroad (Europe proper, the colonial greater Europe, and the “fragments” of Euro-America, Euro-Australia, etc.), and constituted in opposition to their indigenous subjects. In most of Africa and Asia, where colonial rule ended only after World War II, rigid “color bars” maintained the separation between Europeans and indigenes. As European, as white, one knew oneself to be a member of the superior race, one’s skin being one’s passport: “Whatever a white man did must in some grotesque fashion be ‘civilized.’”⁴² So though there were local variations in the Racial Contract, depending on circumstances and the particular mode of exploitation—for example, a bipolar racial system in the (Anglo) United States, as against a subtler color hierarchy in (Iberian) Latin America—it remains the case that the white tribe, as the global representative of civilization and modernity, is generally on top of the social pyramid.⁴³

We live, then, in a world built on the Racial Contract. That we do is simultaneously quite obvious if you think about it (the dates and details of colonial conquest, the constitutions of these states and their exclusionary juridical mechanisms, the histories of official racist ideologies, the battles against slavery and colonialism, the formal and informal structures of discrimination, are all within recent historical

memory and, of course, massively documented in other disciplines) and nonobvious, since most whites don’t think about it or don’t think about it as the outcome of a history of political oppression but rather as just “the way things are.” (“You say we’re all over the world because we conquered the world? Why would you put it that way?”) In the **Treaty of Tordesillas** (1494) which divided the world between Spain and Portugal, the **Valladolid (Spain) Conference** (1550–1551) to decide whether Native Americans were really human, the later debates over African slavery and abolitionism, the Berlin Conference (1884–1885) to partition Africa, the various inter-European pacts, treaties, and informal arrangements on policing their colonies, the post-World War I discussions in Versailles after a war to make the world safe for democracy—we see (or should see) with complete clarity a world being governed by white people. So though there is also internal conflict—disagreements, battles, even world wars—the dominant movers and shapers will be Europeans at home and abroad, with non-Europeans lining up to fight under their respective banners, and the system of white domination itself rarely being challenged. (The exception, of course, is Japan, which escaped colonization, and so for most of the twentieth century has had a shifting and ambivalent relationship with the global white polity.) The legacy of this world is, of course, still with us today, in the economic, political, and cultural domination of the planet by Europeans and their descendants. The fact that this racial structure, clearly political in character, and the struggle against it, equally so, have not for the most part been deemed appropriate subject matter for mainstream Anglo-American political philosophy and the fact that the very concepts hegemonic in the discipline are refractory to an understanding of these realities, reveal at best, a disturbing provincialism and an ahistoricity profoundly at odds with the radically foundational questioning on which philosophy prides itself and, at worst, a complicity with the terms of the Racial Contract itself.

The Racial Contract is an exploitation contract that creates global European economic domination and national white racial privilege.

The classic social contract, as I have detailed, is primarily moral/political in nature. But it is also economic in the background sense that the point of leaving the state of nature is in part to secure a stable environment for the industrious appropriation of the world. (After all, one famous definition of politics is that it is about who gets what and why.) Thus even in Locke’s moralized state of nature, where people generally do obey natural law, he is concerned

about the safety of private property, indeed proclaiming that “the great and chief end therefore, of Mens uniting into Commonwealths, and putting themselves under Government, is the Preservation of their Property.”⁴⁴ And in Hobbes’s famously amoral and unsafe state of nature, we are told that “there is no place for Industry; because the fruit thereof is uncertain; and consequently no Culture of the Earth.”⁴⁵ So part of the point of bringing society into existence, with its laws and enforcers of the law, is to protect what you have accumulated.

What, then, is the nature of the economic system of the new society? The general contract does not itself prescribe a particular model or particular schedule of property rights, requiring only that the “equality” in the prepolitical state be somehow preserved. This provision may be variously interpreted as a self-interested surrender to an absolutist Hobbesian government that itself determines property rights, or a Lockean insistence that private property accumulated in the moralized state of nature be respected by the constitutionalist government. Or more radical political theorists, such as socialists and feminists, might argue that state-of-nature equality actually mandates class or gender economic egalitarianism in society. So, different political interpretations of the initial moral egalitarianism can be advanced, but the general background idea is that the equality of human beings in the state of nature is somehow (whether as equality of opportunity or as equality of outcome) supposed to carry over into the economy of the created sociopolitical order, leading to a system of voluntary human intercourse and exchange in which exploitation is precluded.

By contrast, the economic dimension of the Racial Contract is the most salient, foreground rather than background, since the Racial Contract is calculatedly aimed at economic exploitation. The whole point of establishing a moral hierarchy and juridically partitioning the polity according to race is to secure and legitimate the privileging of those individuals designated as white/persons and the exploitation of those individuals designated as nonwhite/subpersons. There are other benefits accruing from the Racial Contract—far greater political influence, cultural hegemony, the psychic payoff that comes from knowing one is a member of the *Herrenvolk* (what W. E. B. Du Bois once called “the wages of whiteness”)⁴⁶—but the bottom line is material advantage. Globally, the Racial Contract creates Europe as the continent that dominates the world; locally, within Europe and the other continents, it designates Europeans as the privileged race.

The challenge of explaining what has been called “the European miracle”—the rise of Europe to

global domination—has long exercised both academic and lay opinion.⁴⁷ How is it that a formerly peripheral region on the outskirts of the Asian land mass, at the far edge of the trade routes, remote from the great civilizations of Islam and the East, was able in a century or two to achieve global political and economic dominance? The explanations historically given by Europeans themselves have varied tremendously, from the straightforwardly racist and geographically determinist to the more subtly environmentalist and culturalist. But what they have all had in common, even those influenced by Marxism, is their tendency to depict this development as essentially autochthonous, their tendency to privilege some set of internal variables and correspondingly downplay or ignore altogether the role of colonial conquest and African slavery. Europe made it on its own, it is said, because of the peculiar characteristics of Europe and Europeans.

Thus whereas no reputable historian today would espouse the frankly biologicistic theories of the past, which made Europeans (in both pre- and post-Darwinian accounts) inherently the most advanced race, as contrasted with the backward/less evolved races elsewhere, the thesis of European specialness and exceptionalism is still presupposed. It is still assumed that rationalism and science, innovativeness and inventiveness found their special home here, as against the intellectual stagnation and traditionalism of the rest of the world, so that Europe was therefore destined in advance to occupy the special position in global history it has. James Blaut calls this the theory, or “super-theory” (an umbrella covering many different versions: theological, cultural, biologicistic, geographical, technological, etc.), of “Eurocentric diffusionism,” according to which European progress is seen as “natural” and asymmetrically determinant of the fate of non-Europe.⁴⁸ Similarly, Sandra Harding, in her anthology on the “racial” economy of science, cites “the assumption that Europe functions autonomously from other parts of the world; that Europe is its own origin, final end, and agent; and that Europe and people of European descent in the Americas and elsewhere owe nothing to the rest of the world.”⁴⁹

Unsurprisingly, black and Third World theorists have traditionally dissented from this notion of happy divine or natural European dispensation. They have claimed, quite to the contrary, that there is a crucial causal connection between European advance and the unhappy fate of the rest of the world. One classic example of such scholarship from a half century ago was the Caribbean historian Eric Williams’s *Capitalism and Slavery*, which argued that the profits from African slavery helped to make the industrial rev-

olution possible, so that internalist accounts were fundamentally mistaken.⁵⁰ And in recent years, with decolonization, the rise of the New Left in the United States, and the entry of more alternative voices into the academy, this challenge has deepened and broadened. There are variations in the authors' positions—for example, Walter Rodney, Samir Amin, André Gunder Frank, Immanuel Wallerstein⁵¹—but the basic theme is that the exploitation of the empire (the bullion from the great gold and silver mines in Mexico and Peru, the profits from plantation slavery, the fortunes made by the colonial companies, the general social and economic stimulus provided by the opening up of the “New World”) was to a greater or lesser extent crucial in enabling and then consolidating the takeoff of what had previously been an economic backwater. It was far from the case that Europe was specially destined to assume economic hegemony; there were a number of centers in Asia and Africa of a comparable level of development which could potentially have evolved in the same way. But the European ascent closed off this development path for others because it forcibly inserted them into a colonial network whose exploitative relations and extractive mechanisms prevented autonomous growth.

Overall, then, **colonialism “lies at the heart” of the rise of Europe.**⁵² The economic unit of analysis needs to be Europe as a whole, since it is not always the case that the colonizing nations directly involved always benefited in the long term. Imperial Spain, for example, still feudal in character, suffered massive inflation from its bullion imports. But through trade and financial exchange, others launched on the capitalist path, such as Holland, profited. Internal national rivalries continued, of course, but this common identity based on the transcontinental exploitation of the non-European world would in many cases be politically crucial, generating a sense of Europe as a cosmopolitan entity engaged in a common enterprise, underwritten by race. As Victor Kiernan puts it, “All countries within the European orbit benefited however, as Adam Smith pointed out, from colonial contributions to a common stock of wealth, bitterly as they might wrangle over ownership of one territory or another.... [T]here was a sense in which all Europeans shared in a heightened sense of power engendered by the successes of any of them, as well as in the pool of material wealth . . . that the colonies produced.”⁵³

Today, correspondingly, though formal decolonization has taken place and in Africa and Asia black, brown, and yellow natives are in office, ruling independent nations, the global economy is essentially dominated by the former colonial powers, their off-

shoots (Euro-United States, Euro-Canada), and their international financial institutions, lending agencies, and corporations. (As previously observed, the notable exception, whose history confirms rather than challenges the rule, is Japan, which escaped colonization and, after the Meiji Restoration, successfully embarked on its own industrialization.) Thus one could say that the world is essentially dominated by white capital. Global figures on income and property ownership are, of course, broken down nationally rather than racially, but if a transnational racial disaggregation were to be done, it would reveal that whites control a percentage of the world's wealth grossly disproportionate to their numbers. Since there is no reason to think that the chasm between First and Third Worlds (which largely coincides with this racial division) is going to be bridged—vide the abject failure of various United Nations plans from the “development decade” of the 1960s onward—it seems undeniable that for years to come, the planet will be white dominated. With the collapse of communism and the defeat of Third World attempts to seek alternative paths, the West reigns supreme, as celebrated in a London Financial Times headline: “The fall of the Soviet bloc has left the IMF and G7 to rule the world and create a new imperial age.”⁵⁴ Economic structures have been set in place, causal processes established, whose outcome is to pump wealth from one side of the globe to another, and which will continue to work largely independently of the ill will/good will, racist/antiracist feelings of particular individuals. This globally color-coded distribution of wealth and poverty has been produced by the Racial Contract and in turn reinforces adherence to it in its signatories and beneficiaries.

Moreover, it is not merely that Europe and the former white settler states are globally dominant but that within them, where there is a significant non-white presence (indigenous peoples, descendants of imported slaves, voluntary nonwhite immigration), whites continue to be privileged vis-à-vis nonwhites. The old structures of formal, de jure exclusion have largely been dismantled, the old explicitly biologicistic ideologies largely abandoned⁵⁵—the Racial Contract, as will be discussed later, is continually being rewritten—but opportunities for nonwhites, though they have expanded, remain below those for whites. The claim is not, of course, that all whites are better off than all nonwhites, but that, as a statistical generalization, the objective life chances of whites are significantly better.

As an example, consider the United States. A series of books has recently documented the decline of the integrationist hopes raised by the 1960s and the growing intransigence and hostility of whites who

think they have “done enough,” despite the fact that the country continues to be massively segregated, median black family incomes have begun falling by comparison to white family incomes after some earlier closing of the gap, the so-called “black underclass” has basically been written off, and reparations for slavery and post-Emancipation discrimination have never been paid, or, indeed, even seriously considered.⁵⁶ Recent work on racial inequality by Melvin Oliver and Thomas Shapiro suggests that wealth is more important than income in determining the likelihood of future racial equalization, since it has a cumulative effect that is passed down through intergenerational transfer, affecting life chances and opportunities for one’s children. Whereas in 1988 black households earned sixty-two cents for every dollar earned by white households, the comparative differential with regard to wealth is much greater and, arguably, provides a more realistically negative picture of the prospects for closing the racial gap: “Whites possess nearly twelve times as much median net worth as blacks, or \$43,800 versus \$ 3,700. In an even starker contrast, perhaps, the average white household controls \$6,999 in net financial assets while the average black household retains no NFA nest egg whatsoever.” Moreover, the analytic focus on wealth rather than income exposes how illusory the much-trumpeted rise of a “black middle class” is: “Middle-class blacks, for example, earn seventy cents for every dollar earned by middle-class whites but they possess only fifteen cents for every dollar of wealth held by middleclass whites.” This huge disparity in white and black wealth is not remotely contingent, accidental, fortuitous; it is the direct outcome of American state policy and the collusion with it of the white citizenry. In effect, “materially, whites and blacks constitute two nations,”⁵⁷ the white nation being constituted by the American Racial Contract in a relationship of structured racial exploitation with the black (and, of course, historically also the red) nation.

A collection of papers from panels organized in the 1980s by the National Economic Association, the professional organization of black economists, provides some insight into the mechanics and the magnitude of such exploitative transfers and denials of opportunity to accumulate material and human capital. It takes as its title *The Wealth of Races*—an ironic tribute to Adam Smith’s famous book *The Wealth of Nations*—and analyzes the different varieties of discrimination to which blacks have been subjected: slavery, employment discrimination, wage discrimination, promotion discrimination, white monopoly power discrimination against black capital, racial price discrimination in consumer

goods, housing, services, insurance, etc.⁵⁸ Many of these, by their very nature, are difficult to quantify; moreover, there are costs in anguish and suffering that can never really be compensated. Nonetheless, those that do lend themselves to calculation offer some remarkable figures. (The figures are unfortunately dated; readers should multiply by a factor that takes fifteen years of inflation into account.) If one were to do a calculation of the cumulative benefits (through compound interest) from labor market discrimination over the forty-year period from 1929 to 1969 and adjust for inflation, then in 1983 dollars, the figure would be over \$1.6 trillion.⁵⁹ An estimate for the total of “diverted income” from slavery, 1790 to 1860, compounded and translated into 1983 dollars, would yield the sum of \$2.1 trillion to \$4.7 trillion.⁶⁰ And if one were to try to work out the cumulative value, with compound interest, of unpaid slave labor before 1863, underpayment since 1863, and denial of opportunity to acquire land and natural resources available to white settlers, then the total amount required to compensate blacks “could take more than the entire wealth of the United States.”⁶¹

So this gives an idea of the centrality of racial exploitation to the U.S. economy and the dimensions of the payoff for its white beneficiaries from one nation’s Racial Contract. But this very centrality, these very dimensions render the topic taboo, virtually undiscussed in the debates on justice of most white political theory. If there is such a backlash against affirmative action, what would the response be to the demand for the interest on the unpaid forty acres and a mule? These issues cannot be raised because they go to the heart of the real nature of the polity and its structuring by the Racial Contract. White moral theory’s debates on justice in the state must therefore inevitably have a somewhat farcical air, since they ignore the central injustice on which the state rests. (No wonder a hypothetical contractarianism that evades the actual circumstances of the polity’s founding is preferred!)

Both globally and within particular nations, then, white people, Europeans and their descendants, continue to benefit from the Racial Contract, which creates a world in their cultural image, political states differentially favoring their interests, an economy structured around the racial exploitation of others, and a moral psychology (not just in whites but sometimes in nonwhites also) skewed consciously or unconsciously toward privileging them, taking the status quo of differential racial entitlement as normatively legitimate, and not to be investigated further.

Questions for Discussion

1. What were the specific legal and political arrangements that formalized aspects of The Racial Contract? How did each contribute to the Racial Contract and, by extension, the material basis of The Racial Contract?
2. What does it mean that one can be a beneficiary to a contract without being a signatory to that contract? How does this interface with other ideas we've talked about in the class? How does it interface with you as a being in the historical, material, and philosophic continuum of relations you find yourself in?
3. If I steal something from you and I turn around and sell it before I'm caught, should the property I stole be returned to you once the authorities find out about all of this even though the property has changed hands? How does your answer here relate with the realization of the sheer amount of stolen wages (this does not include lost property, lost opportunities, slaying of leaders, burning of businesses, etc) as a result of America's slaving past?
4. Survey your society and present moment. What legal arrangements and discourse humanize the other and what arrangements and discourse dehumanize the other?

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Notes

1. Think of cultural norms here — all of those informal arrangements that shape our lives.
2. Think of laws, company policies, all of the actual contracts that are made in a given society.
3. And is in this way somewhat akin to cultural relativism.
4. Otto Gierke termed these respectively the Gesellschaftsvertrag and the Herrschaftsvertrag. For a discussion, see, for example, Barker, *Introduction, Social Contract*; and Lessnoff, *Social Contract*, chap. 3.
5. Rawls, *Theory of Justice*, pt. 1.
6. In speaking generally of "whites," I am not, of course, denying that there are gender relations of domination and subordination or, for that matter, class relations of domination and subordination within the white population. I am not claiming that race is the only axis of social oppression. But

race is what I want to focus on; so in the absence of that chimerical entity, a unifying theory of race, class, and gender oppression, it seems to me that one has to make generalizations that it would be stylistically cumbersome to qualify at every point. So these should just be taken as read. Nevertheless, I do want to insist that my overall picture is roughly accurate, i.e., that whites do in general benefit from white supremacy (though gender and class differentiation mean, of course, that they do not benefit equally) and that historically white racial solidarity has overridden class and gender solidarity. Women, subordinate classes, and nonwhites may be oppressed in common, but it is not a common oppression: the structuring is so different that it has not led to any common front between them. Neither white women nor white workers have as a group (as against principled individuals) historically made common cause with nonwhites against colonialism, white settlement, slavery, imperialism, Jim Crow, apartheid. We all have multiple identities, and, to this extent, most of us are both privileged and disadvantaged by different systems of domination. But white racial identity has generally triumphed over all others; it is race that (transgender, transclass) has generally determined the social world and loyalties, the lifeworld, of whites—whether as citizens of the colonizing mother country, settlers, nonslaves, or beneficiaries of the “color bar” and the “color line. There has been no comparable, spontaneously crystallizing transracial “workers” world or transracial “female” world: race is the identity around which whites have usually closed ranks. Nevertheless, as a concession, a semantic signal of this admitted gender privileging within the white population, by which white women’s personhood is originally virtual, dependent on their having the appropriate relation (daughter, sister, wife) to the white male, I will sometimes deliberately use the non-gender-neutral “men.” For some recent literature on these problematic intersections of identity, see, for example, Ruth Frankenberg, *White Women, Race Matters: The Social Construction of Whiteness* (Minneapolis: University of Minnesota Press, 1993); Nupur Chaudhuri and Margaret Strobel, eds., *Western Women and Imperialism : Complicity and Resistance* (Bloomington: Indiana University Press, 1992); David Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (London: Verso, 1991).

7. Rousseau, Social Contract; Hobbes, Leviathan.
8. For a discussion of the two versions, see Kymlicka, “The Social Contract Tradition.”
9. Hobbes’s judgment that “INJUSTICE, is no other than the not Performance of Covenant,” Leviathan, p. 100, has standardly been taken as a statement of moral conventionalism. Hobbes’s egalitarian social morality is based not on the moral equality of humans, but on the fact of a rough parity of physical power and mental ability in the state of nature (chap. 13). Within this framework, the Racial Contract would then be the natural outcome of a systematic disparity in power—of weaponry rather than individual strength—between expansionist Europe and the rest of the world. This could be said to be neatly summed up in Hilaire Belloc’s famous little ditty: “Whatever happens, we have got / The Maxim Gun, and they have not.” Hilaire Belloc, “The Modern Traveller,” quoted in John Ellis, *The Social History of the Machine Gun* (1975; rpt. Baltimore: Johns Hopkins Paperbacks, 1986), p. 94. Or at an earlier stage, in the conquest of the Americas, the musket and the steel sword.
10. See, for example, A. P. d’Entreves, *Natural Law: An Introduction to Legal Philosophy*, 2d rev. ed. (1951; rpt. London: Hutchinson, 1970).
11. Locke, *Second Treatise of Two Treatises of Government*, p. 269.
12. Kant, *Metaphysics of Morals*, pp. 230–32.
13. See Aithur O. Lovejoy, *The Great Chain of Being: A Study of the History of an Idea* (Cambridge: Harvard University Press, 1948).
14. For the notion of “epistemological communities,” see recent work in feminist theory—for example, Linda Alcoff and Elizabeth Potter, eds., *Feminist Epistemologies* (New York: Routledge, 1993).
15. Thus Ward Churchill, a Native American, speaks sardonically of “fantasies of the master race.” Ward Churchill, *Fantasies of the Master Race: Literature, Cinema, and the Colonization of American Indians*, ed. M. Annette Jaimes (Monroe, Maine: Common Courage Press, 1992); William Gibson, *Neuromancer* (New York: Ace Science Fiction Books, 1984).

16. Robert Young, *White Mythologies: Writing History and the West* (London: Routledge, 1990); Edward W. Said, *Orientalism* (1978; rpt. New York: Vintage Books, 1979); V. Y. Mudimbe, *The Invention of Africa: Gnosis, Philosophy, and the Order of Knowledge* (Bloomington: Indiana University Press, 1988); Enrique Dussel, *The Invention of the Americas: Eclipse of "the Other" and the Myth of Modernity*, trans. Michael D. Barber (1992; rpt. New York: Continuum, 1995); Robert Berkhofer Jr., *The White Man's Indian: Images of the American Indian from Columbus to the Present* (New York: Knopf, 1978); Gretchen M. Bataille and Charles L. P. Silet, eds., *The Pretend Indians: Images of Native Americans in the Movies* (Ames: Iowa State University Press, 1980); George M. Fredrickson, *The Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817–1914* (1971; rpt. Hanover, N.H.: Wesleyan University Press, 1987); Roberto Fernández Retamar, *Caliban and Other Essays*, trans. Edward Baker (Minneapolis: University of Minnesota Press, 1989); Peter Hulme, *Colonial Encounters: Europe and the Native Caribbean, 1492–1797* (1986; rpt. London: Routledge, 1992).
17. Frederick Engels, *The Origin of the Family, Private Property, and the State* (New York: International, 1972), p. 120.
18. Jean-Paul Sartre, Preface to Frantz Fanon, *The Wretched of the Earth*, trans. Constance Farrington (1961; rpt. New York: Grove Weidenfeld, 1991).
19. V. G. Kiernan, *The Lords of Human Kind: Black Man, Yellow Man, and White Man in an Age of Empire* (1969; rpt. New York: Columbia University Press, 1986); Anthony Pagden, *Lords of All the World: Ideologies of Empire in Spain, Britain, and France, c. 1500–c. 1800* (New Haven: Yale University Press, 1995).
20. Pagden, *Lords*, pp. 1–2.
21. Robert A. Williams Jr., "The Algebra of Federal Indian Law: The Hard Trail of Decolonizing and Americanizing the White Man's Indian Jurisprudence," *Wisconsin Law Review* 1986 (1986): 229. See also Robert A. Williams Jr., *The American Indian in Western Legal Thought: The Discourses of Conquest* (New York: Oxford University Press, 1990).
22. Williams, "Algebra," pp. 230–31, 233. See also Lewis Hanke, *Aristotle and the American Indians: A Study in Race Prejudice in the Modern World* (Bloomington: Indiana University Press, 1959), p. 19.
23. Williams, "Algebra"; Hanke, *Aristotle*.
24. Allen Carey-Webb, "Other-Fashioning: The Discourse of Empire and Nation in Lope de Vega's *El Nuevo mundo descubierto por Cristobal Colon*," in *Amerindian Images and the Legacy of Columbus*, ed. René Jara and Nicholas Spadaccini, *Hispanic Issues*, 9 (Minneapolis: University of Minnesota Press, 1992), pp. 433–34.
25. Philip D. Curtin, Introduction, to *Imperialism*, ed. Curtin (New York: Walker, 1971), p. xiii.
26. Pierre L. van den Berghe, *Race and Racism: A Comparative Perspective*, 2d ed. (New York: Wiley, 1978).
27. Pagden, *Lords*, chap. 1.
28. Williams, "Algebra," p. 253.
29. Justice Joseph Story, quoted in Williams, "Algebra," p. 256.
30. *Dred Scott v. Sanford*, 1857, in *Race, Class, and Gender in the United States: An Integrated Study*, ed. Paula S. Rothenberg, 3d ed. (New York: St. Martin's Press, 1995), p. 323.
31. Excerpt from Jules Harmand, *Domination et colonisation* (1910), in Curtin, *Imperialism*, pp. 294–98.
32. Edward W. Said, *Culture and Imperialism* (New York: Knopf, 1993), pp. xiv, xiii.
33. Harold R. Isaacs, "Color in World Affairs," *Foreign Affairs* 47 (1969): 235, 246. See also Benjamin P. Bowser, ed., *Racism and Anti-Racism in World Perspective* (Thousand Oaks, Calif: Sage, 1995).
34. Helen Jackson, *A Century of Dishonor: A Sketch of the United States Government's Dealings with*

- Some of the Indian Tribes (1881; rpt. New York: Indian Head Books, 1993). In her classic expose, Jackson concludes (pp. 337–38): “It makes little difference . . . where one opens the record of the history of the Indians; every page and every year has its dark stain. The story of one tribe is the story of all, varied only by differences of time and place.... [T]he United States Government breaks promises now [1880] as deftly as then [1795], and with an added ingenuity from long practice.” Jackson herself, it should be noted, saw Native Americans as having a “lesser right,” since there was no question about the “fairness of holding that ultimate sovereignty belonged to the civilized discoverer, as against the savage barbarian.” To think otherwise would merely be “feeble sentimentalism” (pp. 10–11). But she did at least want this lesser right recognized.
35. See, for example, David E. Stannard, *American Holocaust: Columbus and the Conquest of the New World* (New York: Oxford University Press, 1992).
 36. Richard Drinnon, *Facing West: The Metaphysics of Indian-Hating and Empire-Building* (New York: Meridian, 1980), p. 332.
 37. *Ibid.*, p. 102. See also Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Cambridge: Harvard University Press, 1981); and Ronald Takaki, *Iron Cages: Race and Culture in 19th-Century America* (1979; rpt. New York: Oxford University Press, 1990).
 38. Van den Berghe, *Race*, p. 18.
 39. C. Vann Woodward, *The Strange Career of Jim Crow*, 3d ed. (1955; rpt. New York: Oxford University Press, 1974); George M. Fredrickson, *White Supremacy: A Comparative Study in American and South African History* (New York: Oxford University Press, 1981); Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* (Cambridge: Harvard University Press, 1993).
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 41. Said, *Culture*, p. 8.
 42. Kiernan, *Lords*, p. 24.
 43. Linda Alcoff outlines an attractive, distinctively Latin American ideal of hybrid racial identity in her “Mestizo Identity,” in *American Mixed Race: The Culture of Microdiversity*, ed. Naomi Zack (Lanham, Md.: Rowman and Littlefield, 1995), pp. 257–78. Unfortunately, however, this ideal has yet to be realized. For an exposure of the Latin American myths of “racial democracy” and a race-transcendent *mestizaje*, and an account of the reality of the ideal of *blanqueamiento* (whitening) and the continuing subordination of blacks and the darker-skinned throughout the region, see, for example, Minority Rights Group, ed., *No Longer Invisible: Afro-Latin Americans Today* (London: Minority Rights, 1995); and Bowser, *Racism and Anti-Racism*.
 44. Locke, *Second Treatise*, pp. 350–51. Since Locke also uses “property” to mean rights, this is not quite as one-dimensional a vision of government as it sounds.
 45. Hobbes, *Leviathan*, p. 89.
 46. W. E. B. Du Bois, *Black Reconstruction in America, 1860–1880* (1935; rpt. New York: Atheneum, 1992).
 47. See Eric Jones, *The European Miracle* (Cambridge: Cambridge University Press, 1981). My discussion here follows J. M. Blaut et al., 1492: *The Debate on Colonialism, Eurocentrism, and History* (Trenton, N.J.: Africa World Press, 1992); and J. M. Blaut, *The Colonizer’s Model of the World: Geographical Diffusionism and Eurocentric History* (New York: Guilford Press, 1993).

48. Blaut, 1492; Blaut, Colonizer's Model.
49. Sandra Harding, Introduction, to Harding, ed., *The "Racial" Economy of Science: Toward a Democratic Future* (Bloomington: Indiana University Press, 1993), p. 2.
50. Eric Williams, *Capitalism and Slavery* (1944; rpt. New York: Capricorn Books, 1966).
51. Walter Rodney, *How Europe Underdeveloped Africa* (1972; rpt. Washington, D.C.: Howard University Press, 1974); Samir Amin, *Eurocentrism*, trans. Russell Moore (1988; rpt. New York: Monthly Review Press, 1989); André Gunder Frank, *World Accumulation, 1492–1789* (New York: Monthly Review Press, 1978); Immanuel Wallerstein, *The Modern World System*, 3 vols. (New York: Academic Press, 1974–1988).
52. Blaut, 1492, p. 3.
53. Kiernan, *Imperialism*, pp. 98, 149.
54. . Quoted in Noam Chomsky, *Year 501: The Conquest Continues* (Boston: South End Press, 1993), p. 61.
55. But see Richard J. Herrnstein and Charles Murray's bestseller *The Bell Curve: Intelligence and Class Structure in American Life* (New York: Free Press, 1994), as a sign that the older, straightforwardly racist theories may be making a comeback.
56. See, for example: Andrew Hacker, *Two Nations: Black and White, Separate, Hostile, Unequal* (New York: Scribner's, 1992); Derrick Bell, *Faces at the Bottom of the Well: The Permanence of Racism* (New York: BasicBooks, 1992); Massey and Denton, *American Apartheid*; Stephen Steinberg, *Turning Back: The Retreat from Racial Justice in American Thought and Policy* (Boston: Beacon Press, 1995); Donald R. Kinder and Lynn M. Sanders, *Divided by Color: Racial Politics and Democratic Ideals* (Chicago: University of Chicago Press, 1996); Tom Wicker, *Tragic Failure: Racial Integration in America* (New York: William Morrow, 1996).
57. Melvin L. Oliver and Thomas M. Shapiro, *Black Wealth/White Wealth: A New Perspective on Racial Inequality* (New York: Routledge 1995), pp. 86, 7.
58. Richard F. America, ed., *The Wealth of Races: The Present Value of Benefits from Past Injustices* (New York: Greenwood Press, 1990). For another ironic tribute, whose subject is the international distribution of wealth, see Malcolm Caldwell, *The Wealth of Some Nations* (London: Zed Press, 1977).
59. David H. Swinton, "Racial Inequality and Reparations," in America, *Wealth of Races*, p. 156.
60. James Marketti, "Estimated Present Value of Income Diverted during Slavery," in America, *Wealth of Races*, p. 107.
61. Robert S. Browne, "Achieving Parity through Reparations," in America, *Wealth of Races*, p. 204; Swinton, "Racial Inequality," p. 156.

PART III

TOPICS

ANIMAL RIGHTS

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Virtue and Difference in Animal Ethics

Philosophical questions concerning animals are so ubiquitous that they virtually go unnoticed. We take their presence and moral status for granted. However, our kinship with and bondage of animals situates us within a very peculiar and problematic relationship. Once recognized, moral questions concerning the treatment of animals present us with a deep dilemma: we view animals as extensions of our families and friends *because of how similar* they appear to us; and yet we also slaughter them for food, conduct painful experiments on them, and utilize them as simple material resources *because of how different* they appear. As a consequence, our thinking about animals results in contradictory views and practices. As we proceed in our discussion concerning animal ethics, it is important to keep in mind the following two questions: What is *animality*^{1, 2} or animal nature? How should we understand and relate to animals? The significance of these questions is not to dictate answers, but to explore and reflect on the relation between humans, animals, and animality.

In general, philosophers tend to denigrate animality as inferior to human nature or disregard it altogether. However, some have reworked the notion of animality and posit that it plays a central role in defining human nature. For those rethinking animal nature, animality refers to dynamic characteristics that unite but also separate animal from human nature: the bod-

ily, instinctual, biological, and determined, to name a few. To some degree, humans share these with animals, but humans express them in different ways. As such, the notion of animality makes us feel uncomfortable because it reveals how proximal humans teeter between natures. It makes us anxious because of the ambiguity, fluidity, and continuity that it presents in characterizing seemingly disparate life forms or species. Animality poses a challenge and threat to our traditional hardline distinctions between human versus animal. Considering the moral status of animals, then, forces us to address this contradiction, discomfort, anxiety, and threat. Philosophically, it forces us to clarify and justify the views we hold regarding animals. Ethically and pragmatically, it forces us to reconsider the nature of our relationship with them in terms of their moral value, status, and rights.

In what follows, I present a very brief historical account of animal ethics and argue why we should extend moral consideration to animals on the basis of re-envisioning the notion of *dominion* and developing an ethical sensibility to *difference* (of life forms). But we begin by first outlining some objections against extending moral consideration to animals. Responses to these objections will be interwoven throughout the discussion.

Objection to Extending Moral Consideration to Animals

We can begin with some common objections to extending moral consideration to animals:

- First, the “ontological chain of being” objection restricts moral consideration to animals because humans stand on top of the chain. Moreover, the superiority of human nature merits dominion and mastery of all things.
- Second, the “uniqueness” objection posits that only humans have reason, a soul, and live in a moral community. Animals lack the capacity to understand morality, and thus can never really express rights; they lack the capacity to ever reciprocate a moral duty or responsibility to others; and they anatomically and cognitively lack the means by which to voice their status or rights.
- Third, the “utilitarian” objection states that utilizing animals benefits the greatest amount of people and maximizes pleasure and happiness.

There are other objections, but these provide general grounding for our discussion. We will now look closer at some historical ideas and views that shaped contemporary animal ethics.

The Historical Non-Human Animal and Dominion

The Judeo-Christian religions, including Islam, offer us ambivalent positions towards animals. Certain passages suggest that humans have dominion over all creatures on the planet. Other passages suggest that we serve as stewards of the creatures on earth. The Buddhist and Indian traditions have a more liberal view on animals. Some practitioners of these eastern religions hold more straightforward welfare positions. For example, some Buddhist and Hin-

dus abide by *ahimsa*, which translates from the Sanskrit as a principle of nonviolence. *Ahimsa* is extended to non-human animals as well. Although traditional religious views on animals play an important role in our modern disposition towards animals, a full discussion on religion and animal rights is beyond the scope of this project. Nevertheless, it will be acknowledged that the great traditions of the past leave the door open for animal advocacy, but for our purposes we will say that they hold a *welfarist* position. The welfarist view simply states we should consider animal welfare, but not to the detriment of human interests.

One significant element that develops from the discussion of animal ethics within the context of religion that is of philosophical interest is the notion of *dominion*. If god gave humans dominion over all the creatures on the planet and the planet itself, what does *dominion* exactly mean? We further ask, how can we best understand the notion of dominion that developed from religious texts, and situate it in our contemporary milieu? Can we simply assume that dominion categorically refers to human absolute power over all non-human species (to mistreat)? Why should we assume that dominion *as the power to rule over others* necessarily means domination and exploitation of the non-human? Can dominion, perhaps, reflect a more nuanced state of human agency and responsibility, at least in a modern context?³

We can conjecture that dominion *as the power to rule over others* as a human endowment serves to ascribe moral consideration primarily or solely to humans. It also helps justify the severed relationship between humans and nature, including non-human animals. Our assumed dominion and ownership over all of nature directs us to delimit moral considerations. It helps formulate a fundamental disposition of the endowed species: humans matter because they have agency and interests as unique life forms, and thus possess dominion and rights over others. However, some contemporary research on ethics and dominion aims to reinterpret the human relationship with animals and nature and promotes the extension of moral consideration.⁴

The Ontological Chain of Being

In the western tradition, views on animals can be traced back to the ancient Greeks. Notable ancient Greeks who extended moral consideration to animals include Pythagoras and Plutarch. However, it was Aristotle's⁵ ideas that dominated most of western civilizations views on animals. He argued that humans are most aptly defined by their rational social nature. Humans fulfill their natural and optimal function by reasoning and reflecting with other humans. Non-human animals, in contrast, lack the capacity to reason, and therefore are of lesser moral value. For Aristotle, the fact that animals lacked reason disqualified them as being the type of creatures who could possess moral virtues, and thus not apt to share equal moral considerations. However, being a proto-biologist, Aristotle viewed humans and non-human animals as sharing similar natural interests and dispositions, and thus different in degrees. Nevertheless, the power of reason for Aristotle proved to be a sufficient condition for humans to have dominion over animals, and thus, arguably, opened the door for

the exploitation of animals for the next two centuries, especially as he influenced canonical philosophers in their views on animals.

The 18th century Enlightenment philosopher Immanuel Kant developed an ethical system using categorical imperatives,⁶ which remains influential in moral philosophy. Succinctly stated, the imperatives hold that humans ought to always be treated as ends in themselves and never as means to ends. Kant argued that only those beings who have the capacity to deliberate on their actions meet the minimum criteria for moral consideration. For Kant, non-human animals lack *a good will* to deliberate on right (and wrong) actions, and thus humans do not have direct moral duties towards them. However, he also thought that we ought to refrain from animal cruelty because those individuals perpetrating such cruel acts would harm their own moral sensibility. Ethical considerations towards animals are indirect considerations. Thus, Kant is typically interpreted as holding a welfarist position concerning animal ethics.

Aristotle used the “ontological chain of being” arguments to arrive at his position. He situated plants, animals, and humans in a hierarchy where humans sit on top as masters, and animals, plants, and inanimate objects linger on lower levels of being, each descending into lesser forms of being. Kant pushed the power of human reason to the level of a self-governing power, which can be interpreted as drawing a further hierarchical divide between humans and animals. We still live under the veil of the Aristotelian and Kantian view on animals. There are notable deserters of the tradition, however.

British 18th century philosopher Jeremy Bentham found the ontological chain of being argument odious because it presented irrelevant facts regarding the moral consideration and status of animals. He commented that, “... the question is not, Can they reason? nor, Can they talk? but, Can they suffer?”⁷ Bentham disavows the idea that an ontological hierarchy of being warrants justification to have absolute and unabashed power over animals. His critique represents an early version of utilitarianism utilized to argue for animal welfare. For Bentham, moral consideration is founded on the basis and capacity to have interests as sentient beings. Thus, Bentham argued that animal capacity to suffer meets the minimum criteria for moral consideration. His work paved the way for animal welfare rights and served as intellectual fodder for future animal rights arguments.

Modern Animal Rights: Singer and Regan

The event that publicly announced animal rights as a legitimate issue within contemporary philosophy was Peter Singer’s *Animal Liberation*⁸ text in 1975. Singer viewed himself as a utilitarian, like Bentham. However, Singer presents a direct moral theory concerning animal rights, in contrast to indirect positions, such as welfarist views. He argued for extending moral consideration to animals because, similar to humans, animals have certain significant interests. As such, we ought to view their interests alongside and equal to human interests, which results in humans having direct moral duties towards animals

Singer constructs his arguments based on the “principle of equal consideration of interests” shared by both animals and humans. Singer attempts to demonstrate that a certain property-P endowed to certain beings justifies their right to moral consideration. However, unlike his predecessors, for Singer that certain property-P required to attribute moral consideration, which historically referred to reason, language, consciousness, or a soul, instead refers to *having an interest*. Animals, like humans, have an interest in fulfilling their basic needs, but also in avoiding suffering, and thus we ought to extend moral consideration because they have positive and negative interests.

For Singer, the interest and capacity for sentient beings to suffer warrants moral consideration. Moreover, *suffering is not arbitrary*. In fact, Singer tells us, “The capacity for suffering and enjoyment is a pre-requisite for having interests at all.” Thus, the capacity to suffer shared by both humans and animals are to be seen as equal interests (not to suffer) that bestows both equal moral consideration.

Singer further tells us that prejudice based primarily or solely on species type is a form of discrimination, *speciesism*. Speciesism is unacceptable for the same reasons that racism and sexism are morally unacceptable. They all violate the principle of equality. The principle of equality, Singer tells us, should not be based on factual equality, for example, whether men are factually more intelligent than women, or arbitrary properties, such as superiority of species. Rather, he tells us that, “Equality is a moral idea, not an assertion of fact” that ought to be grounded on having significant interests.

To further his case, Singer presents the “argument from marginal cases”: because certain humans (“marginal cases”) may lack reason or language, such as a comatose person or an infant, their lack of property-P in the form of reason would nullify moral consideration to such “marginal cases”. Most would find this immoral. If the argument from marginal cases is sound, then speciesism becomes even more tenuous. Speciesism, then, like racism and sexism, should be disavowed. In weighing equal significant interests that results in the greatest pleasure or happiness, Singer concludes, our moral thinking requires us to extend moral consideration to animals. Singer’s defense of animal liberation paved the groundwork for subsequent pro-animal rights arguments.

Tom Regan’s 1983 book *The Case for Animal Rights* offers a non-utilitarian argument for extending moral consideration to animals. Regan uses the “principle of inherent value”, the respect principle, and the *subject-of-a-life* (SOAL) criterion for his defense. A simplistic formulation of his argument is as follows:

1. The inherent value and respect principles ground criteria for moral consideration and rights
2. If a being possesses traits of the subject-of-a-life criteria, then we ought to adhere to the inherent value and respect principles regarding their treatment

3. Certain non-human animals satisfy the subject-of-a-life criteria
4. Therefore, we ought to extend moral consideration and rights to non-human animals

For Regan, the subject-of-a-life criterion can be defined by the following: having beliefs, perception, memory, a sense of the future, sense of one's own welfare, an emotional life, interests, desires, and goals. If a being satisfies these conditions, then they have *inherent value*. Unlike Singer, who uses the criteria of property-P as having cumulative interests to warrant moral consideration, Regan argues that each subject-of-a-life is *an end in itself*. The inherent value of the subject-of-a-life does not depend on utility. If this is the case, then no one particular interest can trump or override the inherent value of beings who are the subject-of-a-life. This focus on the inherent value of individual animals makes Regan an animal rights abolitionist because the conclusion of his arguments challenges the notion that utilizing animals for food, lab experiments, or entertainment for human ends is morally acceptable, even if such use would benefit and/or bring happiness to the majority of people. Regan presents one of the most philosophically deep and compelling cases for bearing moral consideration to animals.

Virtue Ethics, Difference, and Dominion

Both Singer and Regan present us with defenses based on shared similarities between animals and humans. Their defenses give credence to the *moral status* of beings (as related to having interests or inherent value). However, one problem with the status approach is that it can lead to disavowing subtle life forms, such as interwoven ecosystems. The status approach becomes problematic given the difficulty in deciding who/what deserves moral consideration. As such, the virtue ethics approach provides an alternative because it concerns itself with the question: "How shall I engage with 'X'?", without necessarily assigning moral status to 'X' beforehand.

Based on Aristotle's⁹ writings, traditional virtue ethics is not so much concerned with universal and categorical rights or greatest beneficial consequences. Rather, it is concerned with acquiring virtuous traits that one develops and perfects with practice over time. This *habituation of virtue* is aimed at developing settled dispositions that allow one to arrive at a "golden mean" or appropriate actions between excess and deficiency. For example, suppose you find yourself in the midst of a bank robbery. What is the courageous thing to do? It would be foolhardy to view one's duty to encounter the numerous gunmen while unarmed and possibly perish. But it would be cowardice to shield behind a child or elderly person. The courageous thing to do is *what is appropriate at the right time, place, situation, and with the right people*.

One of the merits of virtue ethics is that it aims to nurture a "virtuous mind" disposition. Such a mind highlights the complex and strenuous nature of deciding which course of action to take given a variety of options in a situation. To take a seemingly innocuous example, sup-

pose we are walking along a river path that has heaps of ant hills. Somewhere along the path we decide to pollute the river and destroy the ants simply because we can. According to the status approach, the acts are permissible because the river and ant hills are devoid of moral status and, thus, moral consideration. But could we have related to them in other ways? This hypothetical case addresses the subtle nature of attuning and developing one's moral sensibility to each new situation with which one is presented. It is posited here that each new situation carries the possibility for developing and nurturing a habituation of the virtues.

The virtue of *benevolence* or, in contemporary parlance, being *socially conscious*, seems most adequate to address the nature of moral consideration. Such a virtue is characterized by *promoting the good, becoming serviceable to others, or the concern for social justice*. In the context of animal ethics, we are interested in the virtue of benevolence based not only on similarity or status, but on the *difference*¹⁰ that each new encounter with life forms or species offers. We engage with non-human life forms in a very different manner than we engage with other humans, so the question arises of how to engage with such difference. The question pushes our moral horizon to reflect on the moral status of life forms or species who are different from what we know to be human, and who require a nuanced type of engagement with. It is in our daily engagement with such radical difference that we find a deeper meaning of morality. In fact, ecosystems, animals and vulnerable humans present us with a sense of difference that not only relates to moral consideration and benevolence, but to reconsidering our dominion over them. It is precisely because their difference offers us dominion over them that our moral consideration ought to be extended to them. Here we see moral consideration and benevolence conjoined by the notion of *difference*, as much as moral consideration and benevolence are united by the notion of *sameness*.

The virtue of benevolence, seen within contemporary social dynamics, helps us reinterpret the notion of dominion. Dominion, as human subjugation over others, undergoes a relational transformation. Dominion, no longer viewed as a despotic endowment, is now seen as an ethical call and question from the other¹¹, the animal, the different, the non-human. The process of moral transformation turns our early, narrow human-centered focus into a wider field of moral consideration open to diverse and different life forms. In this regard, humans could not only live with but flourish alongside non-human animals.

Conclusion

I have attempted to provide a very concise historical account of animal ethics, but in no way does this discussion account for the numerous positions or debates encompassing it. I started by surveying religious views and ancient and modern philosophical accounts on animal ethics. I then highlighted Singer's and Regan's contemporary sameness positions. Lastly, I presented a virtue ethics position based on the virtue of benevolence and the notion of difference. The historical moral sublimation of dominion was present throughout. The ultimate thrust of this discussion is for us to engage with (animal) radical difference and meet it

with a virtuous mind that bestows our benevolence onto them. As such, our understanding of dominion over life transcends traditional limitations.

For Review and Discussion:

1. What are the traditional reasons for and against extending rights to animals? Are these good reasons?
2. Why do you think we care for certain types of animals, but eat others?
3. Do you think *your* animals (animals you own or keep as pets) deserve moral consideration?

Notes and Additional Readings

Notes

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JOHN RAWLS AND THE “VEIL OF IGNORANCE”

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John Rawls’s Veil of Ignorance is probably one of the most influential philosophical ideas of the 20th century. The Veil of Ignorance is a way of working out the basic institutions and structures of a just society. According to Rawls,¹ working out what justice requires demands that we think as if we are building society from the ground up, in a way that everyone who is reasonable can accept. We therefore need to imagine ourselves in a situation *before* any particular society exists; Rawls calls this situation the Original Position. To be clear, Rawls does not think we can actually return to this original position, or even that it ever existed. It is a purely hypothetical idea: our job in thinking about justice is to imagine that we are designing a society from scratch. The idea is that social justice will be whatever reasonable people would agree to in such a situation. We can then start thinking about how to make our actual society look more like the ideal picture we have imagined.

Of course, if we were designing a society in the Original Position, people might try to ensure that it works in *their* favour. The process is thus vulnerable to biases, disagreements, and the potential for majority groups ganging up on minority groups. Rawls’s solution to this prob-

lem comes in two parts. Firstly, he makes some assumptions about the people designing their own society. People in the Original Position are assumed to be free and equal, and to have certain motivations: they want to do well for themselves, but they are prepared to adhere to reasonable terms of cooperation, so long as others do too. Rawls also simplifies his discussion by imagining that people in the Original Position do not have total freedom to design society as they see fit. Rather, they must choose from a menu of views taken from traditional Western philosophy on what justice involves.

The second part of the solution is the Veil of Ignorance. This involves a further leap of imagination. When we are thinking about justice, Rawls suggests that we imagine that we do not know many of the facts – both about ourselves and the society we currently live in – that typically influence our thinking in biased ways. By intentionally ignoring these facts, Rawls hoped that we would be able to avoid the biases that might otherwise come into a group decision. For instance, if I were helping to design a society, I might be tempted to try to make sure that society is set up to benefit philosophers, or men, or people who love science fiction novels. But if I don't know any of those facts about myself, I can't be tempted. The Veil is meant to ensure that people's concern for their personal benefit could translate into a set of arrangements that were fair for everyone, assuming that they had to stick to those choices once the Veil of Ignorance 'lifts', and they are given full information again.

One set of facts hidden from you behind the Veil are what we might call 'demographic' facts. You do not know your gender, race, wealth, or facts about your personal strengths and weaknesses, such as their intelligence or physical prowess. Rawls thought these facts are morally arbitrary: individuals do not earn or deserve these features, but simply have them by luck. As such, they do not deserve any benefits or harms that come from them. By removing knowledge of the natural inequalities that give people unfair advantages, it becomes irrational to choose principles that discriminate against any particular group. The Veil also hides facts about society. You do not know anything other than general facts about human life, and in particular you do not how their society is organised. Finally, the Veil hides facts about your "view of the good": your values, preferences about how your own life should go, and specific moral and political beliefs. Rawls was a political liberal. That meant, among other things, that he thought the state should be neutral between different views about value. So, Rawls isn't afraid to make several significant assumptions about the people involved in making decisions behind the Veil. Some of his assumptions aim to turn the conflicts that arise between self-interested people into a fair decision procedure. As we'll see, however, others might be more fairly criticised as unreasonably narrowing the possible outcomes that people can reach behind the Veil.

I will outline Rawls's justification for the Veil of Ignorance, raise some potential challenges for the conclusions he thinks people will reach from behind it, and lastly consider three criticisms of the Veil of Ignorance as a theoretical device. While these criticisms differ in their substance, they are united by a common feature: their scepticism of the way the Veil *abstracts*

from real life in order to reach conclusions about justice. I'll conclude that these criticisms have merit; the Veil of Ignorance, considered by itself, does lead us to ignore the real world too much. However, I'll suggest that, at least in their strongest versions, these criticisms miss an important benefit of the Veil: quite simply, the fact that our own personal concerns and values can bias our thinking about justice, and that we can make important progress by considering things from different points of view.

The principles of justice

Imagine that you find yourself behind the Veil of Ignorance. You might want to make sure that your life will go well. If you had to design a good life for yourself, you'd go for the specific things you care about. But behind the Veil you don't know those specifics; you only know things that generally make people's lives go well. Rawls calls these 'Primary Goods'. They include things like money and other resources; basic rights and freedoms; and finally, the "social bases of self-respect": the things you need to feel like an equal member of society.

In Rawls's view, a central challenge behind the Veil is the lack of probabilities available. If you knew that your society was 90% Catholic, you could set things up so that the rewards associated with being Catholic were much higher. That would be personally rational, since you are very likely to end up in the better off group. The Veil prevents this type of reasoning because it hides the information. In the complete absence of probabilities, Rawls thinks you should play it safe and *maximise the minimum* you could get (a policy he calls Maximin). Translated into a society, that means that we should ensure that the worst-off people in society do as well as possible.

Rawls suggests two principles will emerge from discussion behind the Veil:

First Principle: Each person has the same inalienable claim to a fully adequate scheme of *equal basic liberties*, compatible with the same liberties for all;

Second Principle: Social and economic inequalities must be:

1. Attached to offices and positions open to all under *fair equality of opportunity*;
2. To the greatest benefit of the least-advantaged members of society (the *difference principle*).

Rawls opts for equality of basic liberties in the First Principle because he thinks this is essential for seeing yourself as a *moral* equal in society. For other Primary Goods, though, equality is less important. By allowing some inequality, we could make life better for everyone. If we attach higher salaries to certain jobs, they may attract the hardest working people, producing greater economic benefits for everyone. The two parts of Rawls's second principle

of justice set limits on when inequalities are allowed. Fair equality of opportunity says that positions which bring unequal payoffs must be open to people of equal talents and equal willingness to use them *on an equal basis*. If two people are just as capable of doing a job, and just as hardworking and willing to apply themselves, neither should have a greater chance of securing the position because they are wealthier, or because of their race or religion. Of course, we might wonder (and Rawls does not give a clear answer about this) when we are supposed to judge whether two people are equally hardworking and talented. The talents you choose to develop, and the amount of effort you put in, are heavily affected by education; so it might seem unfair to judge people if they have had very different educational experiences. Rawls's argument therefore seems to support ensuring broad equality of education, encouraging people to find and develop their talents to the fullest, even if this isn't a conclusion he explicitly draws.

Finally, the Difference Principle sets a further restriction on inequalities. Even if a particular inequality does not affect equality of opportunities, the Difference Principle tells us that it must be beneficial for the very worst off. For instance, it might be that by allowing inequalities, we motivate people to work harder, generating more Primary Goods overall. If these then benefit the worst off in society, making them better off than they would have been in a more equal distribution, the Difference Principle will allow that inequality.

Criticisms

As with any influential philosopher, Rawls has been the subject of much criticism and disagreement. In this final section, we consider three objections to Rawls's reasoning around the Veil of Ignorance.

Ownership and rights

We have already noted that Rawls explicitly makes several assumptions that shape the nature of the discussion behind the Veil of Ignorance, and the outcomes that are likely to come out of it. However, one might challenge Rawls by disputing the fairness or intuitiveness of one or more of his assumptions.

Probably the most famous example of this comes from Robert Nozick.² Recall that Rawls's principles establish rules to govern the institutions and principles that distribute goods. He thinks that if we work out what those institutions would look like in a perfectly just society, using the Veil of Ignorance, we can then start to move our current society in that direction. Nozick notes that in reality, most goods are already owned. Rawls's view establishes a pattern that looks fair; but Nozick argues that we also need to look at the history of how various goods came to be owned. In some cases, we find that the person who owns those goods worked for them. In other cases, the individual will have inherited those goods, but they will have come from an ancestor who worked for them. In both cases, we cannot simply redistribute these goods to fit our pattern, because people have rights.

In Nozick's view, once you have ownership *rights*, you can do pretty much what you want with it, so long as you do not violate anyone else's rights. The fact that taking money you earned would benefit someone else cannot be the basis for government forcibly taking your money. One possible basis for this is the idea of 'self-ownership'. Nozick thinks we will all agree that it would be wrong to force you to work if you didn't want to. The reason for this is that your body is owned by you and nobody else. That principle extends, Nozick says, to what you *do* with your body: your labour. If you make something, or work for money, that thing is yours and nobody else's. Just as the state has no right to force you to do things with your body that you don't want to do, it also has no right to force you to do things with your other property, like giving it away to the less fortunate. That might be a nice thing to do, but it isn't something others can force you to do.

One problem with this argument, to which Rawls might appeal, is that my *ability* to work (and therefore gain property) depends on many other things:

- my education,
- my health that was guaranteed by a public health system,
- a stable society that affords me opportunities for employment, or
- for employing others.

So it's not quite true that everything I produce comes from me alone.

Identity and 'Neutrality'

A second criticism also concerns the fact that, behind the Veil, various facts are hidden from you. Rather than worrying about the substantive conclusions Rawls reaches, as Nozick does, this criticism worries about the very coherence of reasoned discussion behind the Veil of Ignorance.

Rawls's Veil of Ignorance is an example of a theory of justice that has *universal* aspirations. Since one of the facts that is hidden by the veil is the nature of the society you live in, we may assume that the resulting principles are supposed to be applicable in all societies, though this is a view that Rawls attempted to reject in later work. In addition, people behind the Veil are supposed to come up with a view of how society should be structured while knowing almost nothing about themselves, and their lives.

One broad group who criticise these ideas are the so-called 'communitarian' philosophers, which includes Charles Taylor,³ Michael Walzer⁴, and Alasdair MacIntyre.⁵ While their views differ, they tend to agree that what justice requires cannot be decided *abstractly*, but must instead be informed by local considerations and culture. Communitarians also suggest that Rawls's conception of the individuals behind the Veil of Ignorance is problematic because they have so few defining features. Even if Rawls is right that people behind the Veil would

agree on his two principles, communitarians think that the hypothetical agreement ignores much that is important.

Individuals behind the Veil are assumed to be largely self-interested, and to have a strong interest in retaining the ability to abandon their current social roles and pursuits and take up new ones. According to the communitarians, however, we are born with existing social connections to particular people, cultures and social roles. Whereas Rawls emphasises our active engagement in shaping our own lives, communitarians want to remind us that our lives are unavoidably shaped by existing attachments that we do not choose. For instance, if you are born into a particular religious community, you can of course still renounce that religion. But your life will still be shaped by the fact that you are a member, or former member, of that community. It is worth noting, though, that this accusation is somewhat unfair on Rawls. While it is true that individuals behind the Veil do not know about their defining features, Rawls does not think that real people are like this. His interest is in trying to formulate a *neutral* way to decide between competing groups.

Certainly, it is a plausible worry that what justice requires may depend in part on the values of the society in question. As a liberal, Rawls is particularly worried about protecting individuals whose preferred lives go against the grain of the society in which they find themselves. Communitarians will object that the Veil of Ignorance goes beyond this protection, and rules out the possibility of different ideas of justice, informed by local values. Perhaps we should acknowledge that people behind the Veil of Ignorance would recognise the possibility that their society will turn out to be strongly attached to a particular set of values. A rational person behind the Veil might want to try to find a way to give a special place to such values, while protecting dissenters.

Ideal justice?

Our final challenge also concerns the real-world applicability of Rawls's principles. In brief, the claim from scholars of race and of gender is that Rawls's abstract Veil of Ignorance ends up ignoring much that is relevant to justice.

The central criticism we consider here concerns the motivation of Rawls's overall project. Rawls's aim is to outline a theory of 'ideal' justice, or what a perfectly just society would look like. This ignores, purposefully, the many injustices that have happened and continue to happen, including the fact that most societies continue to exhibit racism, sexism and other forms of discrimination.⁶ As critics argue, we then get at best an incomplete theory, which does not tell us how to *fix* existing injustice or, as it is sometimes called, 'non-ideal' justice (an issue that Rawls himself describes as a "pressing and urgent matter"). For instance, people disagree about the idea of 'reparations' for racial slavery that shaped the United States. Yet because this is an issue of non-ideal justice (how should we respond to the fact that the United States and many of its citizens failed to comply with the basic requirements of jus-

tice?), the idealisation of the Veil of Ignorance seems to give us no way to determine this important question.

This maps onto a more general question in political philosophy: if a theory of justice does not tell us how to act in our *actual* societies, does it have any value? While some⁷ argue that Rawls's work can be used to draw concrete conclusions about issues such as racial profiling and affirmative action, critics who reject this view may also argue that a theory of justice that is concerned only with the ideal ignores the most pressing issues of the day. In Rawls's case, we may wonder whether we can accommodate such concerns by making small changes to his assumptions, or whether more radical changes (or even abandonment of the theory) are required.

Conclusion

The three criticisms outlined above all take issue, in different ways, with Rawls's *idealisation* away from the real world. Much of the value of Rawls's work will depend on whether it is useful to construct ideal views of justice before, or at the same time as, thinking about the messier real world. Even a pessimistic conclusion on this issue, though, should recognise the following insight from Rawls: that what seems just or fair or right to any person is influenced not just by our background but by our own selfish interests. Even if the details face problems, Rawls's Veil of Ignorance shows us that it can be valuable to imagine things from opposing points of view. While the criticisms from communitarians, scholars of race, and feminist scholars demonstrate the importance of considering the concrete features of our societies and lives, the basic idea of abstracting away from potential biases is an important one.

Nonetheless, this conclusion is consistent with recognising two mistakes in making use of the Veil of Ignorance. Firstly, recognising the importance of abstraction should not come at the cost of considering the real, concrete impact of policies we adopt, or of the social and historical context they are part of. Much political philosophy, at least in the USA and UK, can be criticised for neglecting these latter issues. Secondly, acknowledging the importance of the Veil of Ignorance does not mean that Rawls, and later philosophers, are right to have established an *order of priority*, where we first abstractly establish a view of ideal justice, and only then move on to non-ideal justice. It may be more productive to consider issues of justice from both the kind of abstracted view represented by the Veil of Ignorance, and from the more concrete view advocated by its critics.

For Review and Discussion:

1. The Difference Principle only allows inequalities if they benefit the worst off in society. Is this practical? Is it what people would agree to behind the Veil of Ignorance?
2. 'The Veil of Ignorance hides information that makes us who we are. Behind the Veil, we are not individuals, and so any decision we reach is meaningless.' Do you

agree? Why/why not?

3. Since our talents and inclinations depend on what happens to us even before we are born, can we make sense of the idea of Rawls's idea of 'fair equality of opportunity'?

Notes and Additional Readings

Notes

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5. Alasdair MacIntyre (1988) *Whose Justice? Which Rationality?* Notre Dame: University of Notre Dame Press.
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COMMON ARGUMENTS ABOUT ABORTION

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Introduction

Abortion is often in the news. In the course of writing this essay in early 2019, Kentucky, Mississippi, Ohio, Georgia, Alabama and Missouri passed legislation to outlaw and criminalize abortions starting at six to eight weeks in pregnancy, with more states following. Federal law, however, generally permits abortions, so it is unclear what the legal outcome here will be.

Abortion is a political issue – with different political parties *tending* to have different perspectives on the issue – because abortion is a *moral* or *ethical* issue. (These two words mean the same thing).

Some believe that abortions are typically *morally permissible*, or *not wrong*, and so believe that abortions should be legal. If doing something isn't wrong, it shouldn't be illegal: criminalizing actions that aren't wrong is a form of *injustice*.

Other believe that abortion is morally wrong, that it's *often* wrong, maybe *nearly always* or even *always*.

Some people argue that even though they believe abortion is wrong, it should remain legal: after all, if *every* morally wrong action was illegal, we would all be in jail! Seriously though, there are many actions that are morally wrong, even really hurtful, that the government shouldn't try to prevent or punish. (You can supply the potential examples to make the point). They might also think that, for a variety of other reasons, their personal moral views on the issues shouldn't be made into law for all.

Others argue that abortions are wrong and should be illegal. What *types* of wrongdoing should be illegal? This question isn't easy to answer: it's abstract and general. One answer is that *seriously, extremely wrong actions should be illegal*. This might seem plausible, since many illegal actions *are* seriously wrong, but since there are other very wrong actions that shouldn't be illegal, this answer isn't perfect.

Defining "Abortion"

Abortion might personally affect you or someone you know: you or a partner, spouse, relative or friend may have had an abortion, have considered abortion, or will have an abortion. But what is an abortion? There are a number of common definitions, some of which are better and others which are worse:

Definition 1: An abortion is the *murder* of an unborn *baby* or *child*.

Definition 2: An abortion is the intentional *termination* of a fetus to end a pregnancy.

Definition 3: An abortion is the intentional *killing* of a fetus to end a pregnancy.

Definition 3 is best. We'll explain why after we show the problems with the first two definitions.

"Murdering Babies"

Definition 1 is common with certain groups of people, but even people who think abortion is wrong should reject it.

"Murder" *means* "wrongful killing," and so this definition implies that abortion is wrong *by definition*, which it isn't. This definition means that to know that abortion is wrong, we'd just need to reflect on the meaning of the word, and not give any reasons to think this. Murder *is* wrong by definition, but to know that any particular killing is murder, we need arguments. (Compare someone who calls the death penalty *murder*: we know it's killing, but is it *wrongful* killing? We can't just appeal to the definition of "murder": we need arguments that this

is wrongful killing). This definition also means that someone who claims that abortion is *not* wrong says that “Wrongful killing is *not* wrong,” which makes no sense. We can even call this a “question-begging” definition, since it *assumes* that abortion is wrong, which can’t be *assumed*. So this definition is problematic, *even if* abortion is wrong.

Definition 1 also describes fetuses as “babies” or “children.” While people are usually free to use whatever words how they want, people *can* say things that are false: calling something something doesn’t mean it’s really that thing. And the beginnings of something are usually not that thing: a pile of lumber and supplies is not a house; fabric, buttons and thread are not a shirt, and an embryo or early fetus is not a baby or child. So it’s false and misleading to call embryos and early fetuses “babies” or “children.”

Defining abortion in terms of “babies” seems to again result in a “question-begging” definition that *assumes* that abortion is wrong, since it is widely and correctly believed that it’s wrong to kill babies. We understand, however, that it’s wrong to kill babies because we think about *born* babies who are *conscious* and *feeling* and have other baby-like characteristics: *these* are the babies we have in mind when we think about the wrongness of killing babies, *not* early fetuses. Describing early fetuses as “babies” characterizes them either as something they are not or, at least, assumes things that need to be argued for, which is misleading, both factually (in terms of what fetuses are like) and morally (insofar as it’s assumed that the rules about how babies should be treated *clearly* and *straightforwardly* apply to, say, embryos).

Part of the problem with this definition is that terms like “babies” and “children” encourage strong emotional responses. Babies and children are associated with value-laden terms such as *innocence*, *vulnerability*, *preciousness*, *cuteness*, and more. When we refer to unborn human beings as *fetuses*, some people become defensive because they see the word “fetus” as cold and sterile. But “fetus” is merely a helpful, and accurate, name for a stage of development, as is “baby,” “child,” “adolescent,” and “adult.” Distinguishing different stages of human development doesn’t commit anyone to a position on abortion, but it does help us understand what an abortion *is*.

In sum, defining abortion in terms of “murdering babies” is a bad definition: it misleads and assumes things it shouldn’t. Even those who think that abortion is wrong should not accept it.

“Termination”

The second definition describes abortion as an *intentional* action. This is good since a pregnant woman does not “have an abortion” if her pregnancy ends because of, say, a car accident. And “spontaneous abortions” or miscarriages are not intentional actions that can be judged morally: they just happen.

Definitions, however, are supposed to be informative, and the vague word “termination” doesn’t inform. If someone had literally no idea what an abortion was, it would be fair for

them to ask what's *exactly* involved in a "termination" of a pregnancy. A discussion between persons A and B – who knows nothing about abortion – might go like this:

"There is a pregnant woman (or girl) who does not want to have a baby, a *living* baby, obviously. And so we are going to do *something* to something insider her – that is developing into that living baby – so she does not have that baby. The action we are going to do is the 'termination.'"

"*That something inside her, developing into that living baby, it is living?*"

"Yes. It started from a living egg and sperm cell."

"So you are making something living *not living*, right? That sounds like *killing* something, right?"

Person B's reasoning seems correct: abortions *do* involve killing. The word "termination" obscures that fact and so makes for an unclear definition. This doesn't make the definition *wrong*; to "terminate" something means *to end it in some way*, and abortion ends the development of a fetus. But it doesn't say *how* abortion ends that development and so is not ideal.

Why might someone accept this definition? Probably because they are reasoning this way:

Killing is wrong. So if abortion is killing, then it's wrong. But I don't believe that abortion is wrong, or I am unsure that abortion is wrong, so I don't want to call it a 'killing,' since that means it's wrong.

The problem here is the first step. *Not all killing is wrong*. Lots of killing is perfectly fine and raises no moral issues at all: killing mold, killing bacteria, killing plants, killing fleas, killing random cells and tissues (even ones that are human, say cheek cells or skin cells), and more. We don't even need to observe that it's *sometimes* not wrong to kill adult human beings to make the point that not all killing is wrong.

This means that it's *not* problematic to define abortion in terms of "killing." The important questions then are, "Is abortion *wrongful* killing, or killing that's not wrong?" and "When, if ever, might it be wrongful killing and when, if ever, might it be permissible killing? And *why*?"

"Killing"

A final definition understands abortion in terms of *an intentional killing of a fetus to end a pregnancy*. This definition is *accurate, informative* since it tells us *how* the fetus would be "terminated", and *morally-neutral*: it doesn't assume that the killing involved in abortions is not wrong *or* that it's wrong. This is a good definition.¹

Why Most Abortions Occur

The Guttmacher “Fact Sheet”² provides an overview of the research on why abortions occur and other relevant information:

- The reasons patients gave for having an abortion underscored their understanding of the responsibilities of parenthood and family life. The three most common reasons—each cited by three-fourths of patients—were
 1. concern for or responsibility to other individuals;
 2. the inability to afford raising a child; and
 3. the belief that having a baby would interfere with work, school or the ability to care for dependents.

Half said they did not want to be a single parent or were having problems with their husband or partner.

- Fifty-one percent of abortion patients were using a contraceptive method in the month they became pregnant, most commonly condoms (24%) or a hormonal method (13%).
- Fifty-nine percent of abortions were obtained by patients who had had at least one birth.
- Some 75% of abortion patients were poor or low-income. Twenty-six percent of patients had incomes of 100–199% of the federal poverty level, and 49% had incomes of less than 100% of the federal poverty level (\$15,730 for a family of two).

This information suggests, at least, that if women were economically better off, had better access to affordable child-care and other forms of support, and had ready access to more reliable forms of contraception, there would likely be fewer abortions.

Bad Arguments: “Question-Begging” Arguments & “Everyday” Arguments

We’ll now discuss some commonly given arguments about abortion that, unfortunately, are rather poor.

“Question-begging” Arguments

Many common arguments about abortion are what’s called “question-begging,” which means the reason given for the conclusion *assumes* that conclusion. This means that you wouldn’t accept the reason as a good reason to believe the conclusion *unless* you already believed that conclusion! This is circular reasoning, and arguments like this are always bad.

“Against” Abortion:

Many common arguments against abortion are question begging. Here are some:

Abortion – *killing fetuses to end pregnancies* – is wrong because:

1. abortion is *murder*;
2. abortion is killing babies or children;
3. adoption is a *better* option than abortion;
4. pregnant women just *must* keep the pregnancy and give birth;
5. abortion should not be used as ‘birth control’;
6. women who have abortions are *irresponsible*;
7. a *good person* wouldn’t have an abortion;
8. women who have abortions feel guilty.

These premises all *assume* that abortion is wrong. To explain:

Premise	Begged Assumption
abortion is <i>murder</i> ;	assumes that killing fetuses is wrong, since “murder” <i>means</i> wrongful killing;
abortion is killing babies or children;	assumes that fetuses are <i>like babies and children</i> and so are similarly wrong to kill;
adoption is a <i>better</i> option than abortion;	assumes that abortion is a worse or bad option, since it assumes it is wrong;
pregnant women just <i>must</i> keep the pregnancy and give birth;	assumes that women <i>must not</i> have abortions since it assumes they are wrong;
abortion should not be used as ‘birth control’;	assumes that abortion is wrong: but if it is <i>not wrong</i> , while it might not be an ideal form of “birth control” it could permissibly be used for that purpose;
women who have abortions are <i>irresponsible</i> ;	assumes that women who have abortions are doing what they are not supposed to do, doing wrong, and so are “irresponsible”;
a <i>good person</i> wouldn’t have an abortion;	assumes that abortion is wrong and so good people, who avoid wrongdoing, wouldn’t have one;
women who have abortions feel guilty.	assumes that abortion is wrong and so assumes that <i>some</i> women feel guilty <i>because</i> they have done something wrong: however, people can <i>feel</i> guilty even if they haven’t done anything wrong, so guilt feelings aren’t perfect evidence of wrongdoing (just as <i>not</i> feeling guilty doesn’t mean you did something that was OK).

People would believe these claims *only if* they already believed abortion is wrong, so these claims should not sway anyone who wants to think critically about the issues.

“For” Abortion:

People who think abortion should be allowed also sometimes give question-begging arguments. Here are a few:

Abortion is *not* wrong because:

1. abortion is *a personal choice*; couples *should be able to* make that choice;
2. women have *a (moral) right* to have abortions;
3. women have the right to do what they want with their bodies;
4. well, if you don't *like* abortions, *then don't have one!*
5. those who oppose abortions just want to control women.

These premises likewise *assume* their conclusions. To explain:

Premise	Begged Assumption
abortion is <i>a personal choice</i> ; couples <i>should be able to</i> make that choice;	the idea of a “personal choice” seems to be a choice that's <i>not wrong</i> to make: e.g., we wouldn't call a choice to be an ax-murderer a “personal choice” because that's wrong, whereas what color socks to wear is a “personal choice.” So claims like this <i>seem</i> to just <i>assume</i> that abortion is not wrong or that it should be legal;
women have <i>a (moral) right</i> to have abortions;	<i>sometimes</i> when people say that they have a moral right to do something, they are merely saying that <i>it's not wrong for them to do it</i> . So this claim amounts to saying that abortion is not wrong because it's not wrong, which is question-begging. (If it's explained <i>why</i> women have this right, the argument might cease to be question-begging, however);
women have the right to do what they want with their bodies;	there are limits to rights, and <i>sometimes</i> we don't have the right to do what's wrong. If abortion were wrong, then <i>perhaps</i> women wouldn't have the right to have them, and this claim just <i>assumes</i> abortions are not wrong;
well, if you don't <i>like</i> abortions, <i>then don't have one!</i>	consider an analogous slogan, “Don't like arson? <i>Then don't burn down any buildings!</i> ” This is absurd, because arson is wrong, and we don't offer slogans like this about actions that are wrong. “Don't like strawberries? <i>Then don't eat them!</i> ” makes sense since not eating strawberries is not wrong. The slogan here assumes that abortion is not wrong;
those who oppose abortions just want to control women.	since <i>some</i> wrongdoing <i>should</i> be “controlled,” those who offer this reason <i>might</i> merely <i>assume</i> that abortion is <i>not</i> a type of wrongdoing that should be illegal. They are also focusing on other people's motives, which is often unwise: people who allegedly wish to “control” women <i>might</i> respond or suspect that abortion advocates are motivated by the desire to “engage in immorality without consequences!” (<i>Is that true?</i> No, pro-choice advocates argue.) Accusations about motives are fruitless: it's better to engage the basic questions of whether abortion is wrong or not and <i>why</i> , like we are doing here, instead of speculating about motives.

Question-begging arguments are common, on many issues – not just abortion, and they should be rejected, by everyone, always.

“Everyday” Arguments

Now we will discuss some other common arguments, that you might often hear or read about, that are also poor but often *not* because they are question-begging. We’ll begin with some arguments against abortion.

“Against” Abortion

“Abortion ends a life.”

People often ask, “When does *life* begin?” Some people wonder if fetuses are “alive,” or when they become “life.” Some argue abortion is wrong because “life begins at conception,” whereas those who support abortion sometimes respond that “fetuses aren’t even alive!” There are a lot of debates here, and to get past them, we need to ask what is meant by *alive*, *living* or *a life*.

This is often considered a “deep” question, but it’s not. Consider this: are eggs (in women) alive? Are sperm cells alive? Yes to both, and so when a sperm fertilizes an egg, what results is a *biologically living* thing. Above, we defined abortion as a type of killing and, of course, you can only kill living things. So, yes, fetuses are alive, *biologically alive*, from conception: they are engaged in the types of life processes reviewed on page 1 of any biology textbook.

Some people think that fetuses being alive *shows* that abortion is wrong, and so they enthusiastically argue that fetuses are biologically alive. Some who think that abortion is not wrong try to argue that fetuses are not even alive. These responses suggest concern with an argument like this:

1. Fetuses are biologically alive.
2. *All things that are biologically alive are wrong to kill.*
3. Therefore, fetuses are wrong to kill.

The second premise, however, is obviously false: uncontroversial examples show it. Mold, bacteria, mosquitos and plants are biologically alive, but they aren’t wrong to kill. So, just as acknowledging that abortion involves *killing* doesn’t mean that abortion is wrong, recognizing that *biological life* begins at conception doesn’t mean that abortion is wrong either.

Now, perhaps people *really* mean something like “morally significant life” or “life with rights,” but that’s not people what say: if that’s what they mean, they should say that.

“Abortion kills babies and children.”

Classifying fetuses as babies or children obscures any potentially relevant moral differences between, say, a 6-week old fetus and a 6-day old baby or 6-year old child. This claim *assumes* that fetuses – at any stage of development – and babies are the same sort of entity. This claim

involves loaded emotional language, is inaccurate and is question-begging, as we discussed above in the section on definitions: this saying doesn't contribute to a good argument.

“Abortion is murder.”

Murder is a term for a specific kind of killing. As a moral term, it refers to especially wrongful killing. As a legal term, it refers to intentional killing that is both unlawful and malicious. Since abortion is legal in the US, most abortions cannot be *legally* classified as murder because they are not illegal or unlawful. Moreover, abortions don't seem to be done with malicious intent. When people claim that abortion *is* murder, what they seem to mean is either that abortion *should be re-classified as murder* or that *abortion is wrong*, or both. Either way, *arguments* are needed to support that, not question-begging slogans.

“Abortion kills innocent beings.”

Fetuses are often described as “innocent,” meaning that they have done nothing wrong to *deserve* being killed. Since killing anyone innocent is wrong, this suggests that abortion is wrong. “Innocence,” however, *seems* to be a concept that only applies to beings that *can* do wrong and choose not to. Since fetuses can't *do* anything – they especially cannot *do* anything wrong that would make them “guilty” – the concept of *innocence* does not seem to apply to them. So saying that banning abortion would “protect the innocent” is inaccurate since abortion doesn't kill “innocent” beings: the concept of innocence just doesn't apply.

“The Bible says abortion is wrong.”

People often appeal to religion to justify their moral views. Some say that God thinks abortion is wrong, but it's a fair question how they might *know* this, especially since others claim to *know* that God doesn't think that. In reply, it is sometimes said that the Bible says abortion is wrong (and that's how we know what God thinks). But the Bible doesn't say that abortion is wrong: it doesn't discuss abortion at all.³

The Bible Implies that Beings in the Womb are the Same Sort of Things that We are

There are verses in the Hebrew Bible (what the Christians call the Old Testament) that can be taken together to *imply* that there is something in the womb that YHWH values or likens to a person at some point during pregnancy.

Passages in the Hebrew Bible that Support the Notion of Personhood of Beings in the Womb

Book and Location	Text (NRSV)
Jeremiah 1:5	Before I formed you in the womb I knew you, and before you were born I consecrated you; I appointed you a prophet to the nations.
Psalms 139:13-16	For it was you who formed my inward parts; you knit me together in my mother's womb. I praise you, for I am fearfully and wonderfully made. Wonderful are your works; that I know very well. My frame was not hidden from you, when I was being made in secret, intricately woven in the depths of the earth. Your eyes beheld my unformed substance. In your book were written the days that were formed for me, when none of them as yet existed.

Bible and the Fetus as Valuable, but not a Person

Case closed, right? If those were all of the passages in the Hebrew Bible that intersected with the question, that would be one thing. But then there are the rest of the passages in the rest of the books collected in the Hebrew Bible. There are 2 sets of passages that complicate the use of the Bible as a consistent authority on the moral permissibility of abortion.

The first found throughout Exodus 21, specifically . The section on violence against persons opens with the legal principle of *lex talionis*,⁴ a method of stopping the cycle of violence in a society by having the state inflict proportional harm in lieu of retaliatory revenge.

Whoever strikes a person mortally shall be put to death. If it was not premeditated, but came about by an act of God, then I will appoint for you a place to which the killer may flee. But if someone willfully attacks and kills another by treachery, you shall take the killer from my altar for execution.

So the principle here is *if a person kills another person and the killing is premeditated, then the penalty is death.*

The section of Exodus 21 that deals with harm done to property discusses the following about pits and beasts of burden:

If someone leaves a pit open, or digs a pit and does not cover it, and an ox or a donkey falls into it, the owner of the pit shall make restitution, giving money to its owner, but keeping the dead animal.

The principle here is *if a person is liable for damage to valuable property (not persons), then the penalty is monetary in nature.*

To sum up:

If one causes the death of a	The penalty is
Person	death
Non-Person	monetary

Later on in the section, the harm to pregnant women is addressed:

When people who are fighting injure a pregnant woman so that there is a miscarriage, and yet no further harm follows, the one responsible shall be fined what the woman's husband demands, paying as much as the judges determine. If any harm follows, then you shall give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe.

The penalty here for causing a miscarriage is a monetary fine, determined by the woman's husband. This is the same sort of penalty as when valuable property is killed. Logically, this would strongly imply that the fetus is valuable, but not a person.

Numbers 5: God's Instructions for Magical Abortions

Numbers 5 is rarely brought up by anti-abortion advocates. In the passage, the question of jealous husbands who suspect their wives have cheated on them, but have no proof.

If any man's wife goes astray and is unfaithful to him, if a man has had intercourse with her but it is hidden from her husband, so that she is undetected though she has defiled herself, and there is no witness against her since she was not caught in the act; if a spirit of jealousy comes on him, and he is jealous of his wife who has defiled herself; or if a spirit of jealousy comes on him, and he is jealous of his wife, though she has not defiled herself; then the man shall bring his wife to the priest.

One can imagine how difficult this would be to sort out in an Iron Age society structured by patriarchal honor. The solution offered by God in Numbers 5 is for the priest to administer an abortifacient, the *drink that brings the curse*, to the wife.

Then the priest shall bring her near, and set her before the Lord; the priest shall take holy water in an earthen vessel, and take some of the dust that is on the floor of the tabernacle and put it into the water. The priest shall set the woman before the Lord, dishevel the woman's hair, and place in her hands the grain offering of remembrance, which is the grain offering of jealousy. In his own hand the priest shall have the water of bitterness that brings the curse. Then the priest shall make her take an oath, saying, "If no man

has lain with you, if you have not turned aside to uncleanness while under your husband's authority, be immune to this water of bitterness that brings the curse. But if you have gone astray while under your husband's authority, if you have defiled yourself and some man other than your husband has had intercourse with you," —let the priest make the woman take the oath of the curse and say to the woman—"the Lord make you an execration and an oath among your people, when the Lord makes your uterus drop, your womb discharge; now may this water that brings the curse enter your bowels and make your womb discharge, your uterus drop!" And the woman shall say, "Amen. Amen."

Then the priest shall put these curses in writing, and wash them off into the water of bitterness. He shall make the woman drink the water of bitterness that brings the curse, and the water that brings the curse shall enter her and cause bitter pain. The priest shall take the grain offering of jealousy out of the woman's hand, and shall elevate the grain offering before the Lord and bring it to the altar; and the priest shall take a handful of the grain offering, as its memorial portion, and turn it into smoke on the altar, and afterward shall make the woman drink the water. When he has made her drink the water, then, if she has defiled herself and has been unfaithful to her husband, the water that brings the curse shall enter into her and cause bitter pain, and her womb shall discharge, her uterus drop, and the woman shall become an execration among her people. But if the woman has not defiled herself and is clean, then she shall be immune and be able to conceive children.

If the woman has been unfaithful, then the drink will, through sympathetic magic, abort the pregnancy and render her infertile. If the woman has not cheated, then nothing will happen.

Notice how this is written entirely from the male point of view, with men's concerns in mind, and with only men having agency. This is not a feminist pro-choice text. But it is a clear set of directions on how and when men can force women to have abortions.

The Bible and Abortion – Selection and Interpretation

As we've seen, the Bible does not give a straightforward, simplistic set of rules concerning abortion. It does not directly address our contemporary discussion of abortion and where it does somewhat intersect, the collection of books as a whole are either contradictory or support the claim that the fetus is valuable, but not to be valued at the same level as persons. No matter what, interpretation is required to have the texts recorded in the Bible to have any import to our contemporary discussion on abortion.

However any verses are best interpreted, they still don't *show* that abortion is wrong. This is because the Bible is not *always* a reliable guide to morality, since there are troubling verses

that seem to *require* killing people for trivial “crimes,” *allow* enslaving people (and beating them), *require* obeying *all* government officials and more. And Jesus commanded loving your neighbor as yourself, loving your enemies and taking care of orphans, immigrants and refugees, and offered many other moral guidelines that many people regard as false.⁵ Simple moral arguments from the Bible assume that that *if the Bible says an action is wrong, then it really is wrong* (and *if the Bible says something’s not wrong, it’s not wrong*), and both premises don’t seem to be literally true.

This all suggests that people sometimes appeal to the Bible in selective and self-serving ways: they come to the Bible with their previously-held moral assumptions and seek to find something in the Bible to justify them.

There is an interesting Biblical connection here worth mentioning though. Some argue that if women who want abortions are prevented from having them, that *forces* them to remain pregnant and give birth and that this is like *forcing* women to be like the “Good Samaritan” who went out of his way, at expense to himself, to help a stranger in great need (Luke 10:25-37). (The analogy is imperfect, as analogies always are).

The problem is in no other area of life is anyone *forced* to be a Good Samaritan like a pregnant woman would: e.g., you can’t be *forced* to donate an organ to anyone in need (even to your child or parent); you can’t even be forced to donate your organs after you are dead! Nobody other than pregnant women would be *forced* by the government – under threat of imprisonment or worse – to use their body to help sustain someone else’s life. It is unfair to require women to be Good Samaritans but allow the rest of us to be like the “priest” and “Levite” in the story who helped nobody.

Nevertheless, it’s important to remember that laws should not be based on any particular religions. If you are not, say, a Hindu, or a Buddhist, or a Rastafarian, you *probably* don’t want laws based solely on one of those religion’s values. Laws should be religiously-neutral; on that we all should agree.

“Abortion stops a beating heart.”

This claim, if given as an argument, assumes that *stopping a beating heart is wrong*. The assumption, however, is just obviously untrue: e.g., during open heart surgery, surgeons temporarily stop the patient’s heart so that repair can be made to the still heart: they would permanently stop that heart if they replace it with an artificial heart. If there were somehow an independently beating heart, attached to nobody, that heart wouldn’t be wrong to stop. Whether a heart is wrong to stop or not depends on who is around that heart and their value or rights, not anything about that heart by itself. Finally, embryos and early fetuses *do not even have hearts*, as critics of recent “heartbeat” bills have observed! (The heart fully develops much later in pregnancy.)

If, however, this widely expressed concern about a heartbeat isn’t meant to be taken literally,

but is merely a metaphor or an emotional appeal, we submit that these are inappropriate for serious issues like this one.

“How would you like it if . . .?”

Some ask, “How would you like it if your mother had had an abortion?” Others tell stories of how their mother almost had an abortion and how they are grateful she didn’t. Questions and stories like these sometimes persuade, but they shouldn’t. Consider some other questions:

1. *How would you like it if your mother had been a nun, or celibate, all her life?*
2. *How would you like it if your mother had moved away from the city where she met your father, and they never met?*
3. *How would you like it if your father had decided early in life to have a vasectomy?*

All sorts of actions would have prevented each of our existences – if your parents had acted differently in many ways, *you* wouldn’t be here to entertain the question: at best, *someone else* would be⁶ – but these actions aren’t wrong.

Some might reply that if you had been murdered as a baby, you wouldn’t be here to discuss it. True, but that baby was conscious, had feelings, and had a perspective on the world that ended in being murdered: an early fetus is not like that. We can empathetically imagine what it might have been like for that murdered child; we can’t do that with a never-been-conscious fetus, since there’s no perspective to imagine.

In sum, these are some common arguments given against abortion. They aren’t good. Everyone can do better.

Common Arguments “For” Abortion

Many common arguments “for” abortion are also weak. This is often because they simply don’t engage the concerns of people who oppose abortion. Consider these often-heard claims:

“Women have a right to do whatever they want with their bodies . . .”

Autonomy, your ability to make decisions about matters that profoundly affect your own life, is very important: it’s a core concern in medical ethics. But autonomy has limits: your autonomy doesn’t, say, justify *murdering an innocent person*, which is what some *claim* abortion is. The slogan that “women can do what they want . . .” does not engage that claim or any arguments given in its favor, so it’s inadequate.

“People who oppose abortion are just trying to control women.”

They *might* be trying to do this. But they *might* be trying to ban abortion because they believe

that *abortion is wrong and should be illegal*. Speculations about motives don't engage or critique any arguments they might give to think that. (If you doubt that thinking critically about arguments and evidence here would do any good, do they have any *better ideas* that might do *more good*?).

“Men shouldn't make decisions about matters affecting women.”

Insofar as women profoundly disagree on these issues, some women *must* be making bad decisions about matters affecting women: all women can't be correct on the issues. And *some* men can understand that some arguments (endorsed sometimes by both women and men) are bad arguments and give good arguments on the issues. Someone's sex or gender has little to no bearing on whether they can make good arguments about matters that affect them or anyone else. Furthermore, the existence of transgender men who have given birth further undermines the thought that one sex or gender is apt to have more correct views here.

“Women and girls will die if abortion isn't allowed.”

This is true. However, this fact is apt to not be persuasive to some people who think that abortion is wrong: they will respond, “If someone dies *because they are doing something wrong like having an abortion*, that's ‘on them,’ *not* those who are trying to prevent that wrong.” Observing that women will die if abortions are outlawed doesn't engage any arguments that abortion is wrong or give much a reason to think that abortion is *not* wrong. Again, this type of engagement is necessary for progress on these issues.

In sum, while we agree that people who think that abortion is generally not morally wrong and should be legal are *correct*, they sometimes don't offer very good reasons to think this, just like the opponents of abortion. An analysis of the more nuanced reasons in favor of abortion provided by philosophers will yield proper support for this viewpoint.

For Review and Discussion:

1. Do the reasons that people get abortions matter for its moral permissibility? Why or why not?
2. Describe the common arguments *against* abortion and assess them. Are they good or bad arguments? Do they make assumptions or claims that are problematic? Do the reasons provided actually provide evidence and reasons to oppose abortion?
3. Describe the common arguments *for* abortion and assess them. Are they good or bad arguments? Do they make assumptions or claims that are problematic? Do the reasons provided actually give evidence and reasons to support abortion?

Notes and Additional Readings

Notes

1. Later, however, we will see another definition of abortion as the intentional withholding of what a fetus needs to live, to end a pregnancy.
2. Retrieved from <https://web.archive.org/web/20190530061526/https://www.guttmacher.org/fact-sheet/induced-abortion-united-states> on May 31, 2019.
3. This section has been edited and added to by the editor of Phronesis.
4. You can see this stated more clearly later on in the chapter, where it says "you shall give life for life, 24 eye for eye, tooth for tooth, hand for hand, foot for foot, 25 burn for burn, wound for wound, stripe for stripe."
5. Appeals to the Bible and other sources (and people) considered to be an authority, leads to this dilemma: either there are good reasons to accept that what that authority claims or not. If not, then we should not accept what the authority says. If there are good reasons, then those reasons – which we all can discuss and debate – would be why we should accept what it says, not because the "authority" says so. These insights are applied to morally problematic verses of the Bible, since we have good reasons to reject the moral guidance suggested by those verses. For discussion of these issues, which are related to the "Euthyphro dilemma" that Socrates addressed, see Spencer Case's "Because God Says So: On Divine Command Theory," at <https://1000wordphilosophy.com/2014/03/31/because-god-says-so/>
6. For discussion of this question of what could have been different about the past such that you never existed, see Chad Vance's "Origin Essentialism: What Could Have Been Different about You?" at 1000-Word Philosophy: An Introductory Anthology at <https://1000wordphilosophy.com/2014/04/28/origin-essentialism/>

BETTER (PHILOSOPHICAL) ARGUMENTS ABOUT ABORTION

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Introduction

We argue that abortion should not be illegal because *most* abortions are not morally wrong (and so they are not *seriously* or *extremely* wrong). So, states are making bad moral and legal moves, to say the least, in trying to criminalize abortions, at least when they are done early in pregnancy, as they usually are.

Arguments Against Abortion

We will begin with arguments for the conclusion that *abortion is generally wrong*, perhaps *nearly always wrong*. These can be seen as reasons to believe fetuses have the “right to life” or are otherwise seriously wrong to kill.

Fetuses are human

First, there is the claim that fetuses are “human” and so abortion is wrong. People sometimes debate whether fetuses are *human*, but fetuses found in (human) women clearly are *biologically human*: they aren’t cats or dogs! And so we have this argument, with a clearly true first premise:

1. Fetuses are biologically human.
2. *All things that are biologically human are wrong to kill.*
3. Therefore, fetuses are wrong to kill.

The second premise, however, is false, as easy *counterexamples* show. Consider a blob of random living *biologically human* cells or tissues in a petri dish. It wouldn’t be wrong at all to wash those cells or tissues down the drain, killing them; scratching yourself or shaving might kill some biologically human skin cells, but that’s not wrong; a tumor might be biologically human, but not wrong to kill. So *just because* something is biologically human, that doesn’t at all mean it’s wrong to kill that thing.

A different meaning of “human” will be discussed below: people who insist that (biologically human) fetuses aren’t “human” might mean “person” or *human person*.

Fetuses are “human beings”

Some respond to this argument by observing that fetuses aren’t just random biologically human cells, but are organized in ways that makes them *beings* or *organisms*. (A kidney is *part* of a “being,” but the “being” is the whole organism). That suggests this argument:

1. Fetuses are *human beings or organisms*.
2. *All human beings or organisms are wrong to kill.*
3. Therefore, fetuses are wrong to kill, so abortion is wrong.

The first premise is true. About the second premise, clearly *many* human beings or organisms are wrong to kill. Why is this though? What *makes* us wrong to kill?

It is generally argued that this is *because* we, these human beings, are conscious and feeling: we are aware of the world, have feelings and our perspectives can go better or worse *for us* – we can be *harmed* – and that’s what makes killing us wrong. (It may also be *not wrong* to let us die, and perhaps even kill, if we come to be completely and permanently lacking any consciousness, however, say from major brain damage or a coma, since we can’t be harmed by death anymore.¹) So, on this explanation, human beings are wrong to kill, *when* they are wrong to kill, not *because they are human beings* (a circular explanation), but *because* we have these psychological or mental (or emotional) characteristics: this explains why we have rights in a simple, common-sense way.

The challenge then is explaining why fetuses *that have never been conscious or had any feeling or awareness* would be wrong to kill. How can the second premise above, general to *all* human organisms, be supported, especially when applied to early fetuses?

One attempt is argue that early fetuses are wrong to kill because there is continuous development from fetuses to us, and since we are wrong to kill *now*, fetuses are also wrong to kill, since we've been the "same being" all along. But this can't be good reasoning, since we have many physical, cognitive, emotional and moral characteristics now that we lacked as fetuses (and as children). So even if we are the "same being" over time, even if we were once early fetuses, that doesn't show that fetuses have the moral rights that babies, children and adults have: we, our bodies and our rights sometimes change.

A second attempt proposes that rights are *essential* to human organisms: they have them whenever they exist. This perspective sees having rights, or the characteristic(s) that *makes* someone have rights, as *essential* to human bodies: "having rights" is an *essential property* of human beings or organisms: so whenever there's a living human organism, there's someone with rights, even if that organism totally lacks consciousness, like an early fetus. (In contrast, our proposal about what *makes* us have rights understands rights as "accidental" to our bodies, since our bodies haven't always "contained" a conscious being.) Such a view supports the premise above; maybe it just *is* that premise above.

But why believe it? Why believe that rights are *essential* to human organisms? Some argue this because of what "kind" of beings we are, which is often presumed to be "rational beings." The reasoning is, first, that rights come from being a rational being. And, second, that all human organisms, including fetuses, are the "kind" of being that is a "rational being," so every being of the "kind" *rational being* has rights.

This explanation is, at least, abstract. It might seem to involve thinking that rights somehow "trickle down" from later rationality to our embryonic origins, and so what we have *later* we also have *earlier*, because we are the *same being* or same "kind" of being. But this idea is, in general, doubtful: we are now *responsible* beings, in part because we are rational beings, but fetuses aren't responsible for anything: we are now able to engage in moral reasoning since we are rational beings, but fetuses don't have the "rights" that uniquely depend on moral reasoning abilities. Even if fetuses and us are the same "kind" of beings, that often doesn't tell us much about what rights fetuses would have, if any. And we might even reasonably think that, despite our being the *same* kind of beings as fetuses, we are also importantly *different kinds* of beings.

In sum, the abstract view that all human organisms have rights *essentially* needs to be plausibly explained and defended. We need to understand how it really works. We need to be shown why it's a better explanation, all things considered, than a consciousness and feelings-based theory of rights that explains why we, and babies, have rights, why racism, sexism and other forms of wrongful discrimination are wrong, *and*, importantly, how we might *lose* rights in

irreversible coma cases (if people always retained the right to life in these circumstances, presumably it would be wrong to let anyone die), and more.

Fetuses are persons

Finally, we get to what some see as the core issue here, namely whether fetuses are *persons*, and an argument like this:

1. Fetuses are persons, perhaps from conception.
2. Persons have the right to life and are wrong to kill.
3. Therefore, abortion is wrong, as it involves killing persons.

The second premise *seems* very plausible, but there are some important complications about it that will be discussed later. So let's focus on the idea of personhood and whether fetuses are persons. What is it to be a *person*? One answer that everyone can agree on is that *persons are beings with rights and value*. That's a fine answer, but it takes us back to the initial question: OK, who or what has the rights and value of persons? What *makes* someone or something a person?

Answers here are often merely asserted, but these answers need to be tested: definitions can be judged in terms of whether they fit how a word is used. We might begin by thinking about what *makes* us persons. Consider this:

We are persons now. Either we will always be persons or we will cease being persons. If we will *cease* to be persons, what can end our personhood? If we will *always* be persons, how could that be?

Both options yield insight into personhood. Many people think that their personhood ends at death or if they were to go into a permanent coma: their body is (biologically) alive but the *person* is gone: that is why other people are sad (we hope!). And if we continue to exist after the death of our bodies, as some religions maintain, what continues to exist? The *person*, perhaps even without a body! Both responses suggest that personhood is defined by a rough and vague set of psychological or mental, rational and emotional characteristics: consciousness, knowledge, memories, and ways of communicating, all psychologically unified by a unique personality.

A second activity supports this understanding:

Make a list of things that are definitely *not persons*. Make a list of individuals who definitely *are persons*. Make a list of imaginary or fictional *personified* beings which, if existed, would be persons: these beings that fit or display the concept of person, even if they don't exist. What explains the patterns of the lists?

Rocks, carrots, cups and dead gnats are clearly not persons. *We* are persons. Science fiction gives us ideas of *personified* beings: to give something the traits of a person is to indicate what the traits of persons are. Even though the non-human characters from Star Wars don't exist, they fit the concept of person: we can befriend them, work with them, and so on, and we could only do that with persons. A common idea of God is that of an immaterial *person* who has exceptional power, knowledge, and goodness: you couldn't pray to a rock and hope that rock would respond: you could only pray to a person. Are conscious and feeling animals, like chimpanzees, dolphins, cats, dogs, chickens, pigs, and cows more relevantly like us, as persons, or are they more like rocks and cabbages, non-persons? Conscious and feeling animals seem to be closer to persons than not. So, this classificatory activity further supports a psychological understanding of personhood: persons are, at root, conscious, aware and feeling beings.

Concerning abortion, early fetuses would *not* be persons on this account: they are not yet conscious or aware since their brains and nervous systems are either non-existent or insufficiently developed. Consciousness emerges in fetuses much later in pregnancy, likely after the first trimester. This is after when most abortions occur. Most abortions, then, do not involve killing a *person*, since the fetus has not developed the characteristics for personhood. We will briefly discuss later abortions, that potentially affect fetuses who are persons, below.

It is perhaps worthwhile to notice though that *if* someone believed that fetuses are persons and thought this makes abortion wrong, it's unclear why a pregnancy resulting from rape or incest would be a morally justified abortion. Some people who oppose abortion argue that, since you are a person, it would be wrong to kill you now *even if* you were conceived because of a rape, and so it's wrong to kill any fetus who is a person, even if they exist because of a rape: whether someone is a person or not doesn't depend on their origins: it would make no sense to think that, for two otherwise identical fetuses, one is a person but the other isn't, because that one was conceived by rape. Therefore, those who accept a "personhood argument" against abortion, yet think that abortions in cases of rape are acceptable, seem to have an inconsistent view.

Fetuses are potential persons

If fetuses aren't persons, they are at least potential persons, meaning they could and would become persons. This is true. This, however, doesn't mean that they currently have the rights of persons because, in general, *potential things of a kind don't have the rights of actual things of that kind*: potential doctors, lawyers, judges, presidents, voters, veterans, adults, parents, spouses, graduates, moral reasoners and more don't have the rights of actual individuals of those kinds.

Some respond to that that potential gives the right to at least *try* to become something. But that trying sometimes involves the cooperation of others: if your friend is a potential medical student, but only if you tutor her for many hours a day, are you obligated to tutor her? If my

child is a potential NASCAR champion, am I am obligated to buy her a racecar to practice? ‘No’ to both and so it is unclear that a pregnant woman would be obligated to provide what’s necessary to bring about a fetus’s potential.

Abortion prevents fetuses from experiencing their valuable futures

The argument against abortion that is likely most-discussed *by philosophers* comes from Don Marquis.² He argues that it is wrong to kill “normal” adults and children because it deprives us from experiencing their (expected to be) valuable futures. He argues that since fetuses also have valuable futures also (“futures like ours” he calls them), they are also wrong to kill. His argument has much to recommend it, but there are reasons to doubt it as well.

First, fetuses don’t seem to have futures *like our futures*, since – as they are pre-conscious – they are entirely psychologically disconnected from any future experiences: there is no (even broken) chain of experiences from the fetus to that future person’s experiences. Babies are, at least, aware of the current moment, which leads to the next moment; children and adults think about and plan for their futures, but fetuses cannot do these things, being completely mindless and unconscious. This fact might even mean that the early fetus doesn’t *literally* have a future: if *your* future couldn’t include *you* being a merely physical, non-conscious object (e.g., you couldn’t be a corpse: if there’s a corpse, *you* are gone), then perhaps non-conscious physical objects, like a fetus, couldn’t *be* a future person.³ If this is correct, early fetuses don’t even have futures, much less futures like ours.

A third objection is more abstract. It begins with the observation that *there are single objects with parts with space between them*. Indeed almost *everything* is like that, if you could look close enough, not just *single* dinette sets: there is some space between the parts of normal physical objects. From this, it follows that there seem to be single objects such as *an-egg-and-the-sperm-that-would-fertilize-it*. And these would also seem to have a future of value, given how Marquis describes this concept. (It should be made clear that sperm and eggs *alone* do not have futures of value: this is not the objection). But contraception, even by *abstinence*, prevents that thing’s future of value from materializing, and so seems to be wrong on Marquis’s argument. Since contraception isn’t wrong, it seems that preventing something from experiencing its valuable future isn’t always wrong and so Marquis’s argument appears to be unsound.

In sum, these are some of the most influential arguments against abortion. Our discussion was brief, but these arguments do not appear to be successful: they do not show that abortion is wrong, much less make it *clear and obvious* that abortion is wrong.

Arguments that abortion is often not wrong

Finally, we turn to arguments that abortion is generally not wrong.

No good arguments that it is wrong

A first argument depends on the discussion so far. If you are familiar with the most important arguments given to believe that abortion is wrong, and believe *with good reason* that they are unsound, then that gives a reason to think that abortion is not wrong. In general, *a good reason to think that an action is permissible is that there is no good reason to think it's wrong*. How this general strategy is applied to this issue depends on your evaluation of the arguments discussed above, and any other arguments against abortion that you think are worth critically evaluating.

Early fetuses aren't conscious & feeling: personhood and harm

The next positive argument in defense of abortion depends on the scientific facts about *early* fetuses that we have emphasized over and over: they are not conscious, are not aware of anything, cannot feel anything, and so on: they are and *have been* entirely mindless so far. The proposal is that beings like this are very different from beings like us and babies and children, who are conscious: despite being the same *kind* of beings, we are also different *kinds* of beings.

These observations motivate these principles:

If a being *is and has always been completely unconscious*, it's definitely not a *person*. And if something is definitely not a person, then it's not wrong to kill it.

This proposal is supported by, among other sources, the idea that if someone permanently ceases to be a person, it can be OK to bring about their death, perhaps even by killing their body, since their being alive is doing them no good. This is related to this proposal:

If a being *is and has always been completely unconscious*, it really cannot be *harmed*, which requires some "turn for the worse" *for that being*. There is no "for that being," yet, so things can't get worse for it. So killing doesn't harm it.

Given the fundamental moral significance of consciousness and all that results from that, that *early* fetuses lack it is highly relevant to how they can be treated.

The right to life & the right to someone else's body

Finally, suppose much of the above is mistaken and that fetuses indeed are persons with the right to life. Some think that this clearly shows that abortion is wrong. Philosopher Judith Jarvis Thomson famously argued in 1971 that this isn't the case. She observes that people often have a naive understanding of what the right to life is a right to. She makes her case with a number of clever examples. First, the violinist:

You wake up in a hospital, “plugged in” to a famous violinist, who needs to use *your* kidneys to stay alive. You were kidnapped for this purpose. If you unplug, she will die. But it’s only for nine months.

Does the violinist have a *right* to your kidneys? Do you violate her *right to life* if you unplug, and she dies? Most would say ‘no’, which suggests that *the right to life is not a right to anyone else’s body, even if that body is necessary for your life to continue*. This suggests that fetuses, even if they were persons with the right to life, would not have a right to the pregnant woman’s body. So until there is a way to remove fetuses and place them in other wombs, women have a right to abortion. This even suggests another definition:

Abortion is the intentional withholding of what a fetus needs to live, to end a pregnancy.

Some respond the violinist case is somewhat like a pregnancy that results from rape, since there’s no consent involved, but that pregnancies that don’t result from rape *do* give fetuses the right to the woman’s body because, they argue, the woman has done something that she knows might result in someone existing who is dependent on her.

While Thompson had cases to address this type of concern – if someone falls in your house *because* you opened a window, they don’t have the right to be there, even though you *did something* that contributed to their being there – we should notice that the response appears to be question-begging. Compare doing something that results in the existence of a new plant that is *dependent* on you: you wouldn’t be obligated to provide for that plant. To assume that things are different with fetuses is, well, to assume what can’t be merely assumed, especially if we don’t already believe that early fetuses are persons with the right to life.

It should be made clear that even if the fetus doesn’t have a *right* to the pregnant woman’s body, there *could* be other rights or other obligations that could make abortion wrong nevertheless: e.g., if pregnancy were just 9 hours perhaps women would be *obligated* to be Good Samaritans towards them, even if fetuses didn’t have a right to the woman’s resources and assistance. What’s important though is the right to life and personhood are not the “slam dunk” against abortion that people often think they are.

“What ifs”: Rape and later-term abortions

We are now in a good position to address some of the “what if” situations regarding abortions.

First, rape: if early abortions are generally not wrong, then abortions due to rape are *especially* not wrong. While people sometimes consider rape a special excuse that justifies abortion, if abortions generally aren’t wrong, no special excuse is needed. (It is worthwhile to notice that those who think that all fetuses are persons and so argue that abortion is wrong

should think abortion is wrong in cases of rape also, since a person is a person, irrespective of their origins).

Second, later-term abortions: these *might* affect conscious and feeling fetuses badly, but fortunately these abortions are rare and evidence suggest that they are done only for justifying medical reasons (Google for harrowing personal stories of women having later abortions, due to medical difficulties, including fetal abnormalities incompatible with life). But *if* any far later abortions are done for frivolous reasons, they *could* be morally wrong, since it's wrong to cause serious pain for no good reason.

Should laws be created to *ban* any potential later abortions done for trivial reasons? Again, not all wrongdoing should be illegal, but – most importantly – a ban on these *potential* abortions would surely have a negative impact on actual later abortions done for legitimate medical reasons. If the justifiability of any later abortions had to be proven in court, or people had to go through the criminal justice system to approve an emergency medical procedure, that would have very bad effects, given the speed, inefficiency and occasional incompetence of courts. Involving the police and the legal system in private medical decisions would also be very bad for all, especially vulnerable groups: people of color, immigrants, and poor people.

Conclusion

For important issues, we need well-developed reasons or arguments to decide what to believe and do about the issues. The purpose of this essay has been to provide some of that training so you can better develop an informed and well-reasoned moral perspective on abortion. Many people say they “feel” that abortion is wrong or they “feel” that it's OK. But complex issues require fair and honest critical thinking, not just uniformed “feelings” or “opinions,” and we hope this paper has displayed this.

We have focused on disagreements about the issue, but we want to end on an agreement: everyone agrees there should be fewer abortions. Even people who think abortions are generally not wrong don't think that having an abortion is just a great way to spend time and resources. So everyone *could* agree that we, as a society, should do more to reduce the “demand” for abortions. Some other countries don't have as many abortions as the US does, and this is because of deliberate choices they have made to make their country more supportive of all of its citizens and make it easier for them to meet their economic, medical and familial needs. We too could be like Good Samaritans, which would be good not just for this issue, but many others, as well as who we are, as people, together.

For Review and Discussion:

1. Do the reasons that people get abortions matter for its moral permissibility? Why or why not?

3. Describe the arguments *against* abortion and assess them. Are they good or bad arguments? Do they make assumptions or claims that are problematic? Do the reasons provided actually provide evidence and reasons to oppose abortion?
4. Describe the arguments *for* abortion and assess them. Are they good or bad arguments? Do they make assumptions or claims that are problematic? Do the reasons provided actually give evidence and reasons to support abortion?

Notes and Additional Readings

Notes

1. See the essay “Euthanasia, or Mercy Killing” by Nathan Nobis (Chapter 9) in this volume. For a shorter version of that essay, see Euthanasia, or Mercy Killing by Nathan Nobis at 1000-Word Philosophy: An Introductory Anthology.
2. Marquis, Don. “[Why abortion is immoral](#).” The Journal of Philosophy 86.4 (1989): 183-202.
3. For discussion of this question of what you could and could not become, see Chad Vance’s “Origin Essentialism: What Could Have Been Different about You?” at 1000-Word Philosophy: An Introductory Anthology at <https://1000wordphilosophy.com/2014/04/28/origin-essentialism/>

ENVIRONMENTAL ETHICS AND CLIMATE CHANGE

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Introduction

I grew up out in the country, and sometimes my brother and I would spend the afternoon catching grasshoppers. It was a bit of a challenge, and it was fun. Once we'd catch one, we'd simply let it go. No one got hurt. When I was ten or so, my family moved to the suburbs, and my brother and I spent more time playing with the kids who lived nearby. One day, while walking down the sidewalk with the neighbor boy, we spotted a grasshopper just sitting on the sidewalk. The next thing I knew, the neighbor boy walked right up to it and ... *Crunch!* ... stepped on it.

I was appalled by what the neighbor boy had done, but had he done anything wrong? He certainly hadn't done anything *legally* wrong, but maybe his crushing the grasshopper was *morally* wrong. And what about my brother and me? Although our catching grasshoppers wasn't *illegal*, maybe it was *immoral*, nonetheless.

Going forward, I'm going to focus my attention on these moral questions. (Accordingly, when I ask whether an act is "wrong," I am asking whether it is *morally* wrong.) Answering these

questions requires us to do ethics. The central question of ethics (or moral philosophy) is something like: “How should we act?” Historically, ethicists have focused their attention on questions of *interpersonal ethics*, that is, questions about what we owe other people. But over the last century, ethicists have become increasingly convinced that figuring out how we should act also requires us to answer questions of *environmental ethics*, that is, questions about what we owe our environment. This includes people, but it also includes animals, plants, and ecosystems.

In this piece, I’ll introduce you to the field of environmental ethics. To begin, I argue that it was wrong for the neighbor boy to crush the grasshopper. In the process, I identify a moral principle that I then go on to apply to the most significant environmental problem of our time, the problem of climate change. After briefly sketching that problem, I’ll argue that in light of it, you and I are morally obligated to (i) *reduce* our greenhouse gas emissions, (ii) *offset* our remaining emissions, and (iii) *advocate* for climate-friendly policies and politicians. Why? Because failing to do these things is irresponsible.

Is it wrong to harm grasshoppers for no good reason?

Humans deserve moral consideration, which is to say that their interests deserve to be taken into account when we’re deciding what to do. This explains why we *can’t* crush humans. Play-dough, however, doesn’t deserve moral consideration. This explains why we *can* crush it. But what about grasshoppers? Do they deserve moral consideration? Can we crush them?

You might think that humans are the only things that deserve moral consideration. This view is called *anthropocentrism*. If anthropocentrism is correct, then since grasshoppers aren’t human, they don’t deserve moral consideration, and therefore it is perfectly permissible to harm or even kill them for no good reason. While this view is coherent, it’s rather implausible. My neighbor’s dog isn’t human, but surely it would be wrong for me to kick it, and thereby harm it, for no good reason.

In response to this objection, you might admit that it would be wrong for me to kick my neighbor’s dog for no good reason, not because my doing so involves harming *a dog*, but because my doing so *harms someone’s property* or *harms something that someone cares about*. On this view, it is perfectly permissible to harm grasshoppers provided that no one owns them or cares about them. Again, although this view is coherent, it’s still rather implausible. After all, it seems like it would be wrong for me to kick *any* dog for no good reason, even if that dog is unowned and unloved.

In response to this further objection, you might admit that it would be wrong for me to kick any dog for no good reason, even if it were unowned and unloved, not because it is wrong for me to harm dogs, but because it is wrong for me to do anything that makes me more likely to harm humans. But even if it’s true that my kicking dogs would make me more likely to harm humans, this seems like the wrong explanation for why it is wrong for me to kick dogs. It is

wrong for me to kick dogs because of what it does to the dogs, not because of what it does to me.

In light of these arguments, we should reject anthropocentrism. We should admit that humans are not the only things that deserve moral consideration, that at least some nonhuman animals deserve moral consideration. But which ones? According to one relatively popular view, all sentient beings (i.e., beings that have subjective experiences or are capable of experiencing pleasure and pain) deserve moral consideration. This view is called *sentientism*. Whereas anthropocentrists cannot explain why it is wrong to harm dogs for no good reason, sentientists can.

Let's say that we accept sentientism. Does that mean that it is wrong to harm grasshoppers for no good reason? Not necessarily. According to sentientists, grasshoppers deserve moral consideration only if they are sentient. But it's not clear that grasshoppers are sentient. While it's relatively clear that they are conscious (i.e., that they have subjective experiences), it's less clear that they are capable of experiencing pleasure and pain. So, if what makes a being deserving of moral consideration is that it is capable of experiencing pleasure and pain, it's not clear that grasshoppers deserve moral consideration.

This might lead us to believe that we simply cannot know whether it is wrong to harm grasshoppers for no good reason. But I don't think that's correct. The reason for this is that some actions are wrong simply for being unnecessarily risky. Imagine that your friend works in demolition and her and her team have been tasked with demolishing an old warehouse. While you are visiting her over your lunch break, she asks you if you would like to use the wrecking ball to destroy it. You love destroying things, so you get behind the controls. Just as you're about to strike the first blow, you see a dog run behind the warehouse. Although you think you saw it run away, you realize that it may have run into the building. Your lunch break is almost over, so you don't have time to let her and her team search the warehouse for the dog. If you're going to use the wrecking ball, it's now or never.

In this case, is it permissible for you to destroy the old warehouse before your friend and her team search the warehouse for the dog? Of course not. Why not? Because doing so is unnecessarily risky; it is irresponsible. Even if you would enjoy using the wrecking ball, that fact doesn't justify your performing an action that may kill a sentient being. We can say the same thing about the neighbor boy who crushed the grasshopper. Was it permissible for him to step on the grasshopper? No. Why not? Because it was unnecessarily risky; it was irresponsible. Even if he enjoys stepping on grasshoppers, that fact doesn't justify his performing an action that may kill a sentient being.

In this section, I have argued that humans are not the only things that deserve moral consideration. Many nonhuman animals do as well. Some environmental ethicists have gone so far as to argue that plants and even ecosystems also deserve moral consideration. I have not discussed those arguments here simply because you do not need to accept them in order to

accept the conclusions that I argue for in Section 4. (In fact, you may not even need to accept my argument for sentientism to do that.) What you do need you to accept, however, is that unnecessarily risky acts are wrong. We cannot endanger others for the sake of minor benefits.

The problem of climate change

Climate change refers to any change in the normal weather conditions of a particular region of Earth or Earth as a whole. Although climate change is not necessarily a problem, *abrupt* climate change is a problem since we cannot adapt to it quickly enough.

While abrupt climate change is definitely a problem, it is not necessarily a *moral* problem. Abrupt, *anthropogenic* (i.e., human-caused) climate change, however, is a moral problem. To see this, consider the difference between a scenario in which a forest fire burns your neighbor's house down and a second scenario in which *you* burn your neighbor's house down. In the first scenario, when the forest fire burns your neighbor's house down, something bad has happened, but no one is morally responsible for that bad thing. No one has done anything morally wrong. In the second scenario, however, when you burn your neighbor's house down, not only has something bad happened, but someone is morally responsible for that bad thing, namely, you. You have done something morally wrong.

Is there abrupt, anthropogenic climate change? Yes, there is. When humans take fossil fuels (e.g., coal, oil, and natural gas) out of the ground and burn them to heat their homes, power their cars, and charge their electronics, they must emit greenhouse gases (GHGs), most notably carbon dioxide, into the atmosphere. These GHG particles absorb and emit radiant energy, which causes global warming (i.e., an increase in the Earth's average surface temperature) and other climate changes (e.g., altered precipitation patterns that increase the number of extreme weather events). Although some people deny this, it is relatively uncontroversial.

What is controversial, however, is the question of what you and I are morally required to do in response to about abrupt, anthropogenic climate change (hereafter, simply *climate change*). Environmental ethicists generally agree that you and I are morally obligated to do something in response to climate change, but they disagree about what that is. In the following section, I'll argue that you and I are morally obligated to do three things in response to climate change. First, we must *reduce* our GHG emissions. Second, we must *offset* our remaining GHG emissions (if we can afford to). And third, we must *advocate for* climate-friendly policies and politicians. Why? Because failing to do these things is irresponsible.

How should we respond to the problem of climate change?

Return to the scenario in which you burn your neighbor's house down. In that scenario, you clearly harm to your neighbor. Even if you don't physically harm her, you destroy her prop-

erty. You force her to find a new place to live. Climate change has similar effects. Between increasing the severity of droughts and floods and by causing sea levels to rise, climate change is killing and will continue to kill humans and nonhuman animals. Others are being forced to abandon their homes and find new places to live. For many humans, this will be much more difficult than simply finding a new home to buy. It will require abandoning one's homeland and moving somewhere completely foreign. For nonhuman animals, it will be even more difficult. Some species, like polar bears, for example, may find it impossible to adapt and will go extinct.

Now, when you burn down your neighbor's house, you endanger your neighbor and force her to find a new place to live. This is clearly wrong. But when you contribute to climate change, do you endanger anyone? Do you force anyone to find a new place to live? It's not clear that you do. Notice that the harms of climate change are cumulative harms. Your contribution to the problem is relatively insignificant. This leads some to argue that when you contribute to climate change, you do not do anything morally wrong.¹

While it may be true that your contribution to climate change is relatively insignificant, it is worth noting that how much you contribute to climate change varies significantly depending on where and how you live. Those living in Australia, Canada, and the United States, for example, emit much more carbon dioxide per capita than those living in India, Indonesia, and Brazil. This, on its own, may be a reason to think that you are doing something morally wrong since you are contributing more than your fair share to climate change. Regardless, I want to argue that even if your contribution to the problem of climate change is relatively insignificant, it is still wrong.

To see this, let's return to the hypothetical scenario we've been discussing, the scenario in which you burn your neighbor's house down. This time, however, let's assume that you don't actually burn your neighbor's house down. Instead, you create a trail of dry brush from a nearby forest to your neighbor's house. This, on its own, doesn't harm your neighbor in the least. It does, however, make it more likely that your neighbor's house will burn down. This is especially bad if there are frequent forest fires. But even if there aren't frequent forest fires, it's still morally wrong for you to endanger your neighbor and her home for no good reason. It's irresponsible.

When we contribute to climate change, we do something analogous. We don't necessarily force anyone to find a new place to live, but we do increase the likelihood that people across the globe will have to find new places to live. This is morally wrong, especially when our reasons for contributing to climate change aren't good ones. If, for example, you start your car engine before getting into your car so that it has time to warm up, you're doing something morally wrong. Why? Because you're increasing the likelihood that human and nonhuman animals across the globe will have to find new places to live, and you're doing it for no good reason. Sure, it's nice to warm up your car before getting into it, but that isn't a sufficiently good reason to justify your endangering both human and nonhuman animals.

Some reasons, however, are sufficiently good to justify your endangering both human and nonhuman animals. When it is very cold outside, for example, it is morally permissible to heat your home so that your pipes don't freeze. Or when your salary does not permit you to live close to your workplace, and you can't carpool or use public transportation to get there, it is morally permissible for you to drive to work. It's true that in driving you'll emit some carbon dioxide into the atmosphere. It's also true that this makes it slightly more likely that sentient beings will have to find new places to live, but you're not acting irresponsibly. Similarly, when you light a candle in your home, it increases the likelihood that your neighbor's house will burn down, but it doesn't follow from this that it's always wrong to light a candle in your home.

Is this the full story? Not quite, and here's why. Imagine that you've got a sufficiently good reason to light a candle. You realize that this increases the likelihood not only that your house will burn down but also that your neighbor's house will burn down. Now, imagine that there is some small thing you could do to reduce the likelihood of your neighbor's house burning down. You could install a smoke alarm, for instance. It seems like you are morally obligated to do this.

Note that you are not morally obligated to do this for your own sake. There is nothing necessarily wrong with burning yourself or destroying your house. I certainly don't recommend doing either of those things, but they are not necessarily morally wrong. The reason, then, that you are morally obligated to install a smoke alarm is not to protect yourself but to protect your neighbor. If your candle were to start a fire, your smoke alarm would alert you to the danger, and you could call on the fire department to put out the fire before it destroys your neighbor's house. Failing to install a smoke alarm would be irresponsible. This becomes increasingly true as the number of people living close to you increases. If you are surrounded by homes, or if you live in an apartment and are surrounded by neighboring families with children and pets, lighting a candle without having a smoke alarm is especially irresponsible.

When we contribute to climate change, we're doing something analogous. We're increasing the likelihood that humans and nonhuman animals will die or be forced to find new places to live. Fortunately, there's something we can do to reduce the likelihood of this. We can offset our GHG emissions (hereafter, simply *emissions*). When we purchase carbon offsets, we fund projects that reduce emissions by funding the development of wind farms, enabling landfills to capture emissions, and/or preventing deforestation. When we offset enough of our emissions, we go *carbon neutral*, which is to say that our net emissions (i.e., our emissions minus our offsets) equals zero. By offsetting our emissions, we make it the case that no human or nonhuman animal is more likely to die or lose her home on our account. When we offset our emissions, we act responsibly. This is what morality requires.²

Finally, imagine that you're living in an apartment and are surrounded by neighboring families. You light candles from time to time, but you have installed a smoke alarm and a sprinkler system. You do not significantly increase the likelihood that others will lose their homes.

The same, however, cannot be said of your neighbors. They light candles all the time but don't have smoke alarms or sprinkler systems. They are endangering all the people and non-human animals living in the apartment complex, but they don't see the problem. You would move to a new apartment complex, but let's assume that you're stuck in this one. It seems to me that, in a case like this, a responsible person would not simply cross his fingers and hope for the best. He would try to convince his neighbors to stop lighting candles all the time. He would encourage the manager of the apartment complex to add smoke alarms and sprinkler systems to every unit. He would petition the local government to require these things in apartment buildings and vote for candidates who support these policies. He would advocate for change.

We are in an analogous position. Those around us are continually contributing to climate change, and in doing so, they are increasing the likelihood that human and nonhuman animals around the world will die or lose their homes. But they do not see the problem. They do not see that their actions are unnecessarily risky. We might like to move to a new planet, but we are stuck on this one. We have nowhere else to go. It seems to me that, in a case like this, a responsible person would not simply cross his or her fingers and hope for the best. She would try to convince others to reduce their emissions and to offset whatever emissions remained. She would encourage her local and national representatives to pass legislation that would reduce emissions, and she would vote for candidates who support these laws. She would advocate for change.

For Review and Discussion:

1. Most people kill flies, spiders, and any other insects that they find in their homes when, in many cases, they could capture those insects and release them outside. Spelman argues that it is morally wrong to kill grasshoppers for no good reason, but what about a grasshopper (or a spider) that has found its way into your home? Do we have a sufficiently good reason to kill it? Or should we capture it and release it outside?
2. Spelman contends that it is morally wrong to contribute to climate change unless one has a sufficiently good reason to do so. Identify at least three activities that contribute to climate change. When do we have sufficiently good reasons to perform those activities? When do we lack sufficiently good reasons to perform those activities?
3. Spelman argues that individuals are morally obligated not only to reduce their GHG emissions and offset any remaining emissions, but also to advocate for climate-friendly policies and politicians. What sorts of activities would count as advocating for climate-friendly policies? Which of those activities are morally obligatory, and which ones are not?

Notes and Additional Readings

Notes

1. See, e.g., Walter Sinnott-Armstrong, “It’s Not My Fault: Global Warming and Individual Moral Obligations,” in *Perspectives on Climate Change* (Elsevier, 2005), pp. 221–253.
2. To find out your annual carbon footprint, you can visit the Global Footprint Network’s Footprint Calculator at <http://www.footprintcalculator.org/>. Then, you can offset your emissions at a verified carbon offset provider like Green Mountain Energy or TerraPass. My family offsets our carbon emissions at Green Mountain Energy’s website, which you can find here: <https://www.greenmountainenergy.com/home-energy-solutions/carbon-offsets/>.

UTILITARIANISM: PROS AND CONS

B.M. Wooldridge

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Consequentialism is a general moral theory that tells us that, in any given situation, we should perform those actions that lead to better overall consequences. There are generally two branches of Consequentialism: Hedonism, which tells us that the consequences we should pursue should be ‘pleasurable’ consequences, and Utilitarianism, which tells us that the consequences we should pursue should be ‘happy’ consequences. The focus of this paper will be on Utilitarianism, as this is undoubtedly the most popular form of consequentialist theories. John Stuart Mill, one of the foremost Utilitarian moral theorists, sums up Utilitarianism as follows: “actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness.”¹

Any account of Utilitarianism will have two central tenets. First, Utilitarians are focused on states of affairs, which means that Utilitarianism is concerned with the result, or consequences, of one’s actions, and disregards other features like one’s motives or reasons for acting. One might have good motives or reasons for performing a certain action, but an action is only considered morally good for a Utilitarian if it maximizes the consequences, or happiness, of a given situation. Secondly, Utilitarians emphasize that agents are to be neutral in making their decisions. What this means is that under Utilitarianism, everyone counts for the same, and nobody counts for more than anybody else. Friends, family members, signif-

icant others, and anyone else important to you counts just the same as a complete stranger when making a moral decision.

On the face of it, this seems like a sensible moral theory. Like any other theory, Utilitarianism has its advantages and disadvantages. In this paper, I will argue that the disadvantages of Utilitarianism far outweigh the advantages. More specifically, I will argue that, despite its initial appeal, there are serious problems with Utilitarianism that render it a problematic moral theory. In what follows, I will consider a thought experiment from Bernard Williams to highlight the advantages and disadvantages of Utilitarianism, followed by a discussion of why Utilitarianism is a problematic moral theory.

To begin, consider the case of George. George has recently completed his PhD in Chemistry, and, like any other PhD candidate, finds it extremely difficult to land a job after completing his degree. George has a family, and his wife works hard to support them. While she is supportive of George, his difficulty finding a job puts a serious strain on their relationship. An older chemist who knows George tells George that he can get him a job in a laboratory. The laboratory pursues research into chemical and biological warfare. George, however, is opposed to chemical and biological warfare, and he therefore cannot accept the job. However, if George refuses the job, it will go to a colleague of George's who does not have any reservations about chemical and biological warfare. Indeed, if this colleague takes the job, he will pursue the research with great zeal. For what it's worth, George's wife is not against chemical and biological warfare. Should George take the job?²

It seems that a Utilitarian would inform us that George should take the job, for doing so will lead to better overall consequences than turning down the job. In taking the job, George will not perform the research with great enthusiasm. Williams is not clear on whether George will actively sabotage the research, but it can be reasonably assumed that if George takes the job, he will perform his duties in such a way that will minimize the impact that chemical and biological research will have on developing weapons for war. While George will not directly be saving anyone, his work will indirectly lead to the saving of thousands of lives. Indeed, simply taking the job will ensure that someone who has great enthusiasm for chemical and biological warfare does not get the job. So even if George does not directly or indirectly save anyone while performing his duties, he will already have maximized the consequences by preventing someone who would do great harm from getting the job.

This thought experiment is useful in considering the strengths and weaknesses of Utilitarianism. Let us first begin with the strengths of the theory. Perhaps the biggest strength of Utilitarianism is that it is, at least *prima facie*, easier to reach a conclusion under this theory than other theories. That is, Utilitarianism provides us with a clear path for determining which action in a given situation will be the correct one: it is that action that will increase utility. This is in contrast to other moral theories, such as Deontology, which do not always provide a clear answer. Deontology, for example, focuses on the motives or reasons one has for acting, and it can be difficult sometimes to ascertain what one's motives and/or reasons

are. Even if one explicitly outlines their motives or reasons, it is not always the case that this is truthful. The consequences of an action, however, do provide us with a clear criterion for what counts as a morally good action. If one's action leads to good, or happy, consequences, then that action is morally permissible. Thus, Utilitarianism is a theory that can easily help us reach decisions.

Relating this to the case of George, George's actions can be judged on whether they will lead to better consequences. In this case, his action will lead to good consequences, albeit indirectly. In accepting the job, George prevents someone else who might indirectly harm others by promoting chemical and biological warfare from getting the job. Consider, for a moment, if we judged this action not on the consequences, but rather on the reasons or motives for acting. Suppose George accepts the job because he is motivated to end chemical and biological warfare, or that his reason for taking the job is to help support his family. While these reasons might be noble ones, we cannot be clear on whether these are actually the motives/reasons that George has. Motives and reasons, in other words, are not as clearly accessible as the consequences of an action.

Another strength of Utilitarianism is its emphasis on neutrality. When making a decision, one is to take a 'God's eye' view of things, and consider everyone equally. This emphasis on neutrality makes Utilitarianism an impartial moral theory, meaning it considers everyone's status and interests as equal. Relating this to the case of George, we see that George needs to assess the situation from a neutral perspective. He should not favour his or his family's interests as opposed to the interests of others who might be impacted by chemical and biological warfare. Even if his wife and family were against chemical and biological warfare, and even considering that George himself is against chemical and biological warfare, he needs to put these interests and considerations aside and make the decision that is best for everyone involved.

While Utilitarianism does have its strengths as a theory, it also has some very serious weaknesses, and in the remainder of this paper I will outline of these weaknesses and argue why I think they make Utilitarianism a problematic moral theory.

We can begin by considering the point about neutrality. While Utilitarians will count this as a strength of their theory, it can also be considered a weakness of the theory. In considering everyone equally, Utilitarianism devalues the importance of personal relationships. In some cases, following Utilitarianism will force us to disregard those who are close to us. Suppose, for instance, that George's wife and children, like George, were also against chemical and biological warfare. Utilitarianism will tell us that George should disregard their interests and feelings and perform that action that will increase the consequences. But this seems to be impersonal. The interests, feelings, and desires of George's family should matter more than the interests, feelings, and desires of complete strangers, simply because these people are closer to George. Each of us has special relations to individuals that we work hard to develop,

and that, in many cases, help us become better people. To disregard the interests, feelings, and desires of these individuals seems to be wrong.

I should also point out here that while Utilitarians will *consider* everyone equally, this does not mean that they will *treat* everyone equally. Consider another example from Williams. Suppose that there is a racial minority in a society. This minority does not harm anyone else in the society, nor does it do anything particularly good either. However, the other citizens, who make up the majority, have prejudices against this minority, and consider its presence very disagreeable, and proposals are put forward to remove this minority.³ Williams is not clear on what would be involved in 'removing' the minority. The removal of the minority need not involve murder, although it could. It might involve, for example, removing them from society by forcing them to leave the society.

It seems that a Utilitarian would be forced to accept that eliminating this minority would increase the happiness for the majority of people, and would therefore be a moral action. But this seems wrong, mainly because removing the minority from society would involve what many people take to be morally evil actions, which is another problem with Utilitarianism. In some cases, Utilitarianism might sanction morally evil actions in order to achieve morally desirable consequences. Removing the minority might involve genocide or mass deportations, both of which seem morally problematic. Killing people simply because they are of a certain race or ethnicity, and/or removing them from a society without just cause, are severe moral violations that any reasonable person could not sanction. The idea here is this: sometimes, in working to achieve the greatest overall consequences, individuals will be forced to do bad things, and these bad things, even if they increase happiness, are still bad. And it is a failing of Utilitarianism that it does not recognize the moral value of labeling these as morally bad actions.

At this point a Utilitarian will surely have something to say. A Utilitarian might respond to the above points as follows. All of the critiques I have offered are focused only on the short-term consequences, and not the long-term consequences. When we focus on the long-term consequences of the above cases, the Utilitarian answer will change. For example, if George takes the job, this might lead to good consequences in the immediate future. But in the long run, it might lead to bad consequences. It might, for example, cause a serious strain on his marriage, and make George unhappy, which will in turn affect his relationships with others. In the racial minority case, while removing the minority might lead to better consequences in the short term, it will lead to worse consequences in the long term. It will, for example, weaken the trust among members of a community, and destabilize the social relations of individuals within that community. In response to this, a Utilitarian might adopt a rule, the general following of which will lead to better long-term consequences. In so doing, a Utilitarian switches the focus from a version of Utilitarianism that is focused on acts, to one that is focused on rules.

This response from a Utilitarian fails, in that it invites more questions than what it does

answers. Mainly, just how far into the future should we look when considering the consequences of our actions? Utilitarians do not provide a clear answer to this question. Saying that we should focus on the long-term consequences of an action when the implications of the short-term consequences are troubling seems to be problematic. And, moreover, should we really follow a rule when, in the moment, we can perform an act that will increase the happiness of others? Adopting rule-utilitarianism as a way to respond to these objections seems not only ad-hoc, but also inconsistent with the Utilitarian maxim of increasing the consequences.

Overall, the theory of Utilitarianism, while perhaps initially appealing, seems to have some serious flaws. While the theory of Utilitarianism might help us more easily reach moral conclusions than what other theories do, and while it emphasizes the neutrality of moral agents, it does nonetheless have a tendency to alienate us from those we are closest to, and might require us to perform actions that, under other moral theories, are considered morally problematic. It is for these reasons that Utilitarianism is a problematic moral theory.

For Review and Discussion:

1. What are the benefits of Utilitarianism? Are these benefits enough to convince you that it is the correct moral theory we should follow?
2. What are the drawbacks of Utilitarianism? Are these benefits enough to convince you that it is an incorrect moral theory we should follow?
3. If more happiness is produced by *not* following Utilitarianism, is that what we should do? What does this say about the theory?

Notes and Additional Readings

Notes

1. John Stuart Mill, "Utilitarianism," In *Moral Philosophy: A Reader, Fourth Edition*, Ed. Louis Pojam & Peter Tramel (Indianapolis: Hackett Publishing Company, 2009), 158.
2. Bernard Williams, "A Critique of Utilitarianism," in *Utilitarianism: For and Against*, J.J.C. Smart & Bernard Williams (Cambridge: Cambridge University Press, 1973), 98.
3. Williams, "A Critique of Utilitarianism," 105.

GAME THEORY, THE NASH EQUILIBRIUM, AND THE PRISONER'S DILEMMA

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Game theory models human interactions. There are a lot of different ways that humans can interact, so there are a lot of different models. We will call these models games. It will help to start by first looking at two person games. In such a game, you and I are dealing with each other. We will assume that each of us is rationally self-interested; that is, that each of us will act to maximize our outcome, payoff, or payout. Of course, people do not always act in this way. Sometimes people act altruistically, for the benefit of others at some cost to themselves. Nonetheless, this will be a useful simplifying assumption.

One common model is the zero-sum game. In such a game, you win as much as I lose, or I lose as much as you win. This is the logic of the poker table, or a sporting match. Being rationally self-interested, I will try to win, and you should try to win, too. In such a game, our interests are diametrically opposed. Since you can only win when I lose, such a game would not allow for cooperation. Such a game only allows for win-lose or lose-win.

But not all interactions, or games are like this. Some games allow for cooperation. In such a

game, it is possible for both of us to benefit. Win-win and lose-lose are possible outcomes. An example would be a coordination game. Suppose you and I would each profit (say one dollar each) if we meet, and that we get nothing if we fail to meet. We might meet at the market, or we might meet in the park. In this coordination game, only a dollar is at stake, so let us raise the stakes. Suppose you and I are drivers, going in the opposite direction on a road. Should you drive on the left or on the right? In such games, our interests are perfectly aligned. If we can coordinate on a meeting place we can both profit; if we can coordinate in the driving game we can both live. We would like to set up our society so that cooperative interactions are the rule rather than the exception. We shall see if this is possible.

The Nash Equilibrium

Consider a set of strategies taken by all the players in a game. If for any set of strategies, no individual player can benefit by changing his individual strategy, then that set of strategies forms a Nash-equilibrium. The term Nash-equilibrium applies to the set of strategies taken by all the players, not to any one player's individual strategy. If a player can only do worse by deviating then the equilibrium is strict, if she can do just as well (but no better) then the equilibrium is weak, and if she can do better, then it is not an equilibrium. The Nash-equilibrium is named after John Nash (1928-2015), who proved that every game has at least one Nash-equilibrium.

Take the case where we are driving on the road in opposite directions. How many equilibria does this game have? One equilibrium is where we each drive on our right. As long as we both stick to this, we will pass each other safely. If either of us deviates, we are liable to suffer injury or death. Since either of us would do strictly worse by deviating from the drive-on-the-right equilibrium, this equilibrium is strict. Similarly there is an equilibrium where we both drive on our left, also a strict equilibrium. But there is also a third equilibrium where we each randomly choose, so that we drive on each side with a 50% chance. Say we each flip a coin, and drive on the right if it comes up heads, and on the left if it comes up tails. In this case, we have a 50% of safely passing each other, and a 50% chance of getting into an accident. Is this really an equilibrium? Yes, because if this is what I am doing, you cannot do any better by changing. No matter what you do, you will have a 50% chance of avoiding an accident. Because you cannot do any better by changing, this is an equilibrium too. But because you do not do any worse by changing, this is only a weak equilibrium. But it is an equilibrium nonetheless.

This coordination game shows us a few things about Nash equilibria. There is not always a single equilibrium, and just because something is an equilibrium does not mean that it is a desirable outcome. There is the problem of Equilibrium Selection. In the driving game, we both very much want to be on the drive-on-the-left or the drive-on-the-right equilibria. We want to avoid the flip-a-coin-and-hope-for-the-best equilibrium. The problem is that the other two equilibria are equally good, so we may not know which one to choose. In this case, the local custom tells us which equilibrium we should coordinate on. When in Rome, we drive

on the right, because that is what the Romans do. But when in London, we drive on the left, because that is what the Londoners do.

John Nash's life is depicted in the movie *A Beautiful Mind* (2001), directed by Ron Howard. This film has a scene meant to illustrate Nash's ideas. In this scene, Nash, portrayed by Russell Crowe, imagines a scene in a bar. Several men are waiting in the bar when in walk several attractive brunette women and one very attractive blonde woman. In the first iteration (as the Nash character imagines), the men all pursue the blonde. But she must reject most of them, who then each pursue a brunette. But the brunettes do not wish to be someone's second choice, so then they also reject each man. So each man (except perhaps one who has won the blonde) finds that his strategy has led him to a bad outcome. So they rethink their strategies, and try again in another iteration. In this case, each man initially approaches a brunette. Each man is happy to have a chance at winning a woman, each brunette is happy to be a man's first choice, and the only one left out is the blonde, who is shocked at being ignored. While we might wish that the film could have come up with an example that treated the women as players rather than outcomes in a game, let us here ask if it illustrated Nash's idea. Did the men find a Nash equilibrium?

While the men found an outcome that was better for most of them than when they all approached the blonde, their new strategies do not form a Nash equilibrium. For a set of strategies to form a Nash-equilibrium, no one can do better by changing. But in this scene, any one of the men could do better by approaching the blonde who was then being ignored. As this scenario is described, a chance at winning the blonde is the biggest prize. As long as she is ignored, there is a better outcome available for someone, so any outcome that leaves her ignored cannot be a Nash-equilibrium. Thus this scene failed to illustrate a Nash-equilibrium. (To be fair to the film, it never says "Nash-equilibrium" in this scene, or anywhere else in the movie. Instead, Crowe as Nash says "governing dynamics".)

The Prisoner's Dilemma

Suppose you and an acquaintance are arrested by the police. They separate you and offer each of you this deal. "We think that you and your friend are accomplices on a serious crime, but we cannot prove it. So we'll offer you this deal: If you testify that your friend committed this crime and he stays silent, we will let you go free right now, and we will sentence him to serve ten years in prison. If you both testify against each other, you will each get five years. If you both keep silent, we will hold you as long as we can without charging you, about six months. And we are making this same offer to your friend." What should you hope for, and what should you do?

You should hope that your acquaintance keeps quiet, and she should hope that you keep quiet. In game theoretic terms, this is known as cooperating, and testifying against your partner is known as defecting. If you both cooperate with each other, you each only get six months in jail. But you can do better. If your partner keeps silent, you could testify against

her; that is, you could defect. In this case, you go free, which is a better outcome for you. And what if your partner does not cooperate? What if she defects by testifying against you? In that case, if you keep silent (cooperate), you get ten years in prison. If you testify against her as well (defect), then you only get 5 years. So no matter what she does, you are better off defecting against her. And she can follow the same logic, so no matter what you do, she is better off defecting against you.

So the only Nash-equilibrium in the prisoner's dilemma is for both of you to defect. This does not mean that this is the best outcome available to you. This equilibrium leads you both to very bad outcome, where each of you spends five years in prison. There is another outcome that is much better for both of you: for you both to cooperate by keeping silent. In that case, you only get six months. If you could somehow agree to this option that gives you your second best result, you can avoid the much worse second worst result. But as long as someone can do better by deviating from this, it is not an equilibrium. And in this case, either of you can do better by defecting. Mutual cooperation is not an equilibrium; the only equilibrium is mutual defection. So following your rational self-interest leads both of you to a very inefficient outcome.

Lest you think that the lesson here is that crime does not pay, I never wrote whether or not you and your acquaintance had actually committed the crime of which you were accused. You are better off testifying against her, and she against you, regardless of whether you actually committed the crime. But the prisoner's dilemma structure is not limited to accused criminals. Many common human interactions have the structure of the prisoner's dilemma. Take the example of trade: you have a rare book that you no longer want. I have \$100 which I would gladly pay for the book. The book is worth more than \$100 to me, and less than \$100 to you, so we ought to make a deal. But this simple interaction also has the structure of a prisoner's dilemma. We both have something that each other wants, and we agree to the exchange. But then you think, maybe I will send you the money and maybe I won't. If I do not send the money, you would sure hate to have been cheated out of the book. And even if I do send the money, you are still better off with the money and the book. Similarly, I know that maybe you will send the book and maybe you won't. If you do not send the book, I would sure hate to have been cheated out of the money. And even if you do send the book, I am still better off with the book and the money. Each of us is aware of what the other is thinking, so neither of us honors a deal that would have made us both better off.

Making an agreement works better when we can agree to an equilibrium. A good contract gives no one an incentive to break it. The prisoner's dilemma, with its single non-cooperative equilibrium, represents a worst-case game. But the scenario models a common trading scenario. Nonetheless, we manage to trade, and find it in our self-interest to do so. Somehow we manage to change the game, and create some cooperative equilibria.

Iterated Prisoner's Dilemma

Trade flourishes. And we not only trade out of a moral concern for others; we find it in our best interests to trade. Our way out of the tragic logic of the prisoner's dilemma lies in the fact that we wish to trade again. One is unlikely to make a living, much less get rich, with a single trade. But we trade now with an eye to the future. I am liable to cooperate with you today in the hopes that we will cooperate today *and* in the future. "The shadow of the future" changes the game. Let us think about how we actually manage to make that deal about the book. Are you really better off keeping the book, regardless of what I do? If we expect to trade again in the future, you are better off keeping your end of the bargain, and so am I.

Game theoreticians model this by repeating the game. Each repetition can be called an iteration, stage, or trial. So instead of a single-stage prisoner's dilemma, we now have a repeated or iterated prisoner's dilemma. Let us suppose that we will keep playing the prisoners dilemma every day. A dollar today is worth more to us than a dollar tomorrow, so we need to discount the value of that dollar tomorrow. The factor by which we discount the future is called, naturally enough, the discount factor. The discount factor can also be thought of as the probability of another iteration. The mathematics is the same for either interpretation. A famous result called the Folk Theorem says that given a sufficient discount factor (i.e. we sufficiently value the future, or think that additional play is sufficiently likely), then any outcome that we could rationally agree to with a binding contract forms a Nash equilibrium without such a binding contract. This is called the Folk Theorem because game theoreticians assumed it was true (and cited it in their papers) before it was actually proven (involving various technical assumptions).

With the infinitely (or indefinitely) repeated game, an infinite number of equilibria now exist. And "always defect" remains an equilibrium: if you and I both plan to defect on every play, either of us will only do worse by cooperating. But there are now cooperative equilibria as well. But one cannot simply cooperate regardless of the play of the other. The strategy to always cooperate is not an equilibrium, for then one of us could do better by defecting. And consistently defecting against a cooperator gives you your best possible outcome. But we can make our play conditional on each other's past play.

One popular strategy in the literature is called grim-trigger. In grim-trigger, you start out cooperating, and keep cooperating as long as I cooperate. But as soon as I defect, you defect every play after that. In this strategy, you only get burned once. Once you figure that I'm not a consistent cooperator, you never take a chance on me again. A strategy that has done well in tournaments is tit-for-tat. In tit-for-tat, you start off cooperating, and then henceforth copy the previous play of your partner. So as long as we cooperate with each other, we will keep cooperating. But if you are playing tit-for-tat and I defect against you, I will have to cooperate with you, while you defect against me, to get you to cooperate again. The loss that I take from having you defect against me can be regarded as a penalty or punishment.

Many other strategies have been tried in tournaments and simulations. And in the infinitely repeated game, there are an infinite number of equilibria. So equilibrium selection becomes a problem. But cooperative strategies generally form equilibria with each other: if you are playing grim-trigger, and I am playing tit-for-tat, and we both sufficiently value the possibility of future play, then we will keep cooperating and neither of us can do any better with a different strategy. But non-cooperative strategies also form equilibria with each other. If you start off defecting and then repeat my previous play (we could call this suspicious-tit-for-tat), and I always defect, then we will keep defecting against each other, and either of us will do worse if we change to a strategy that has us cooperate.

One of these cooperative strategies may get us to cooperate if you and I expect to repeatedly trade with each other. But what if you and I are unlikely to trade again? One possibility is that rational cooperation may not be possible. Since we do not expect to do business again in the future, we are too tempted to defect against one another today. This is why you are more likely to be cheated by a business that caters to tourists than by a business in your home town. The business in your home town knows that your repeat business is more likely if it treats you well now. The tourist trap knows that your repeat business is unlikely regardless of how it treats you. In a sufficiently small community, traders may know each other, and know who has a reputation for fair dealing, and who has a reputation for defecting. In this case you could defect against the defectors you know, and (assuming that you want to keep trading), cooperate with the cooperators you know.

But human ingenuity has found ways to extend reputation to larger communities. Think again about the case where you want to sell a book, and I want to buy it. If we are trading on a website such as eBay or Amazon, you are liable to report my failure to send the money, and I am liable to report your failure to send the book. Future traders will learn about this, and will hurt our reputations for future trading. If either of us wants to do business in the future, we will find it in our interest to honor our deal today. In this case the website that records our history acts as an institution that expands the possibility of future deals. As long as we expect to play again with someone (not necessarily the same player), we may sufficiently value the future to cooperate today.

Similarly, if a bank loans you money, you might be tempted not to pay. For a large loan, the bank will have some collateral: typically the car or house that you borrowed the money for. If you do not repay, the bank will repossess the collateral. But for a small loan, a bank may not hold any collateral, and if you do not repay, may decide that it is not worth it to try to collect. Nonetheless you will usually still find it in your interest to repay. If you do not, the bank will report this unpaid debt to a credit bureau. And then you will find it difficult to borrow money in the future, as other banks will ask the credit bureau about you before loaning you money.

Institutional solutions such as eBay and credit bureaus have other advantages over popular strategies such as grim-trigger or tit-for-tat. There are an infinite number of equilibria, and we might worry that we are stuck on a non-cooperative equilibrium. But the institution could

not exist if traders did not find it in their interest to use it. So they signal that there is a cooperative equilibrium. And such institutions are robust to errors. In tit-for-tat, if you are mistakenly thought to have defected, you will be defected against, in a continuing cycle, until this is corrected by another error. In grim-trigger, if you are mistakenly thought to have defected, you are never cooperated with again. But as long as the error rates of a reputation reporting institution, such as a credit bureau, are sufficiently low, traders can find it in their interest to cooperate, and pay any penalties, even if they are mistaken.

So when the prisoner's dilemma scenario is repeated, cooperative equilibria are possible. But cooperation is not guaranteed, as non-cooperative equilibria remain. And we may quite rationally fear that we are stuck on such a non-cooperative equilibrium. Non-cooperation is always an equilibrium, and may be the only equilibrium. Having and maintaining a cooperative equilibrium depends on many things, including sufficiently valuing future trading prospects, and some indication that we are on a cooperative equilibrium. Institutions like credit bureaus and eBay can make future prospects more likely and signal a cooperative equilibrium. But cooperation, and reputation that can make it possible, are fragile. Benjamin Franklin recognized this when he wrote "Glass, China and Reputation are easily cracked, and never well mended."

The Tragedy of the Commons

We need not limit games to two players. A scenario with the structure of the prisoner's dilemma, extended to many players, is called the tragedy of the commons. Named by Garrett Hardin (1915-2003), it is based on the following scenario: A number of ranchers keep their herds (say of cattle or sheep) in their barns, but there is a common field, the commons, that they graze on. The commons is a renewable resource that can regenerate itself if it is not overgrazed. And at one point, the commons is sufficient to feed all the animals. But then each rancher thinks, "I can be a little richer if I herd a few more animals; after all, if no one else does this, the commons can easily handle my few additional grazers. And if everyone else grazes more, I want to get a bit more before the commons is destroyed." But then every rancher reasons the same way, and the commons is overgrazed and destroyed. This has the same structure as the prisoner's dilemma: you cooperate by keeping your herd small, and you defect (against the other herders) by increasing your herd. Everyone is better off if they can all cooperate, but each herder is better off with more animals, no matter what the other herders do.

Many ecological problems, such as overfishing, have this structure. Every fisherman wants an ample stock of fish in the sea, but every fisherman is tempted to catch a few more fish. Each fisherman thinks "If no one else overfishes, the stock of fish can spare a few more for me. And if everyone else overfishes, I want to get a few more fish while there are still fish to be caught." And as a result, the fish may be wiped out, or severely depleted, when if the fishermen could have limited their catch, they could have left enough fish to reproduce and provide fish forever. In these tragedies of the commons, the individual rancher or fisherman

gets the benefit of the extra animals, but the cost is borne by the whole community that uses the commons.

One possibility is that the commons is doomed. Rather than being held in common, such a resource cannot be shared and so must be owned by someone, such as an individual, corporate entity, or government, who is responsible for it. This would be bad news, since some resources (like a field or fishing zone) could be plausibly owned and managed by some authority, but other larger shared resources, such as the oceans or the air, could not. However, Elinor Ostrom (1933-2012) won the 2009 Nobel Prize in Economics for showing how many communities have long solved problems with Tragedy of the Commons structures. Ostrom observed that local communities have come up with local solutions: successful arrangements to share the commons have in common low-cost dispute resolution, with the users of the commons themselves creating and modifying the rules, among other principles. Well-meaning authorities from the outside have sometimes messed up local arrangements that had been working well. Again, human ingenuity has found ways to change the structure of the game to make cooperation possible, saving the commons.

A Cautiously Optimistic Conclusion

Two competing views of human nature come from the French/Swiss philosopher Jean-Jacques Rousseau (1712-1778), and the English philosopher Thomas Hobbes (1588-1679). Both look back to imagine the primitive state of humanity before civilization. Rousseau's positive image is the "Noble Savage"; he writes "nothing is more gentle than man in his primitive state". Hobbes' cynical image is the "State of Nature" which consists of the "war of all against all" where life is "solitary, poor, nasty, brutish and short." If Rousseau is right, then cooperation should come naturally. Modernity has corrupted us to now care too much about our own interests, so we somehow must restore ourselves to a state closer to the Noble Savage. If Hobbes is right, then defection will come naturally, and we will have to work to make cooperation possible.

Rousseau and Hobbes did not have the archeological evidence to settle their dispute. But we do, and Harvard psychologist Steven Pinker summarizes this evidence in his books *The Blank Slate* and *The Better Angels of our Nature*. Alas, he finds that "man in his primitive state" lived with a shockingly high rate of violence. Pinker bluntly concludes "Hobbes was right, Rousseau was wrong." We should not be surprised. The difficulty comes from the structure of some common interactions, interactions that even a Noble Savage would have faced.

Hobbes' solution was to institute an absolute sovereign: we form a social contract to make one of us the dictator who will create and enforce the law, taking us out of the violent State of Nature. This absolute dictator, the sovereign, will make us cooperate. He will impose penalties on defectors so that it will no longer be in their interests to cheat. Defecting will no longer be an equilibrium. Looking at the history of dictators since Hobbes' time, we might be forgiven for our reluctance to institute this option.

Hobbes was an astute analyst of human conflict, able to reason how early humans must have lived. But we need not follow Hobbes all the way to his conclusion. We have seen several cases above where people have worked out cooperative equilibria with much less force, without having to invest so much power in one person. Credit bureaus and eBay, without any police power, create systems where most people find it in their interests to pay their debts and honor their deals. Ostrom documents that many communities, without the power of the states they are part of, made it in their interests to share and maintain the commons.

So to create a better society, we must continue to find cooperative equilibria. Societies that have asked their people to act out of equilibrium, against their own interests, experienced poverty and horrors as their people let them down again and again. Societies that have created cooperative equilibria have prospered, because when people find it in their own interests to benefit others, they naturally do so.

Ironically, Hobbes' pessimistic view of human nature leaves us with a conditionally hopeful conclusion. Human ingenuity has found ways to change the structures of these games, to create cooperate equilibria, generally without the heavy hand of the state (which has often made things worse). But the non-cooperative solutions in general remain equilibria, so cooperation is fragile and not inevitable. The past was awful, but the world has gotten better as we have solved more problems. And as long as we continue to solve more problems, to create and coordinate on cooperative equilibria, the future looks bright.¹

For Review and Discussion:

1. What is a Nash equilibrium?
2. What is the prisoner's dilemma?
3. How do we avoid being trapped in a prisoner's dilemma?

Notes and Additional Readings

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Notes

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